SENATE JOURNAL
65TH LEGISLATURE
FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 2, 2017 — State Capitol

Senate convened at 12:03 p.m. Senator Fred Thomas, Dean of the Senate, Presiding.

Senator Thomas appointed Carl Spencer as temporary Sergeant-at-Arms.

Pledge of Allegiance to the Flag. Invocation by Reverend Terry Eichelberger of the Christian and Missionary Alliance Church in Townsend, Montana..

Senator Thomas appointed Marilyn Miller of Helena as temporary Secretary of the Senate. Secretary Miller called the roll of the newly-elected and appointed Senators:

Senate District 2	Dee L. Brown
Senate District 3	Keith Regier
Senate District 6	Albert D. Olszewski
Senate District 7	Jennifer Fielder
Senate District 10	Steve Fitzpatrick
Senate District 14	Russel Tempel
Senate District 15	Ryan Osmundson
Senate District 16	Frank J. Smith
Senate District 17	Mike L. Lang
Senate District 18	Steve Hinebauch
Senate District 21	Jason D. Small
Senate District 23	Roger Webb
Senate District 25	Jen Gross
Senate District 26	Margie MacDonald
Senate District 28	Tom Richmond
Senate District 31	Mike Phillips
Senate District 35	Scott Sales
Senate District 36	Jeff Welborn
Senate District 37	Jon C. Sesso
Senate District 38	Edith (Edie) McClafferty
Senate District 39	Gene Vuckovich
Senate District 40	Terry J. Gauthier
Senate District 44	Fred Thomas
Senate District 45	Dick Barrett
Senate District 46	Sue Malek
Senate District 47	Daniel R. Salomon

Sergeant-at-Arms Spencer admitted the Honorable Laurie McKinnon, Justice of the Montana Supreme Court, to the Senate chamber. Justice McKinnon administered the official oath of office to the newly-elected and appointed Senators before addressing the Senate.

Secretary Miller called the roll of the entire Senate. Forty-eight Senators present, Senators Webb and C. Smith excused. Quorum present.

Senator Blasdel moved that the Rules of the Senate and the Joint Rules as reflected in **SR1** and **SJ1**, printed and placed on the members' desks this day, be adopted as the temporary operating rules of the 65th Legislature. The motion carried.

Senator Sands nominated Senator Scott Sales of Senate District 35 for the office of President of the Senate for the 65th Legislature, and moved that his election carry with it the name of Senator Bob Keenan of Senate District 5 for the office of President Pro Tempore.

Senator Sesso moved the nominations be closed and that Senator Sales be elected President of the Senate by acclamation and that the motion carry with it the name of Senator Bob Keenan for the office of President Pro Tempore. The motion carried.

President Sales assumed the chair and addressed the Senate. President Sales then introduced Senator Bob Keenan, President Pro Tempore; Senator Jon Sesso, Minority Leader; and Senator Fred Thomas, Majority Leader. Each Senator addressed the Senate.

Senator Smith and Senator Webb joined the Senate at this time.

The Senate Republican and Democratic caucuses presented President Sales with an engraved gavel.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brown, Chair)
Secretary Miller read the report from the Committee on Committees recommending the following committee appointments:

<u>Agriculture, Livestock and Irrigation</u>
Tu, Th; 3 p.m.; Rm 335
Hoven, Brian (R) - CH
Swandal, Nels (R) - VCh
MacDonald, Margaret (Margie) (D) - VCh
Caferro, Mary (D)
Lang, Mike (R)
Moore, Eric (R)
Olszewski, Albert (R)
Osmundson, Ryan (R)
Salomon, Daniel (R)
Sands, Diane (D)
Smith, Frank (D)

Business, Labor, and Economic Affairs
M-F; 8 a.m.; Rm 422
Buttrey, Ed (R) - Ch
Brown, Dee (R) - VCh
Smith, Frank (D) -VCh
Connell, Pat (R)
Facey, Tom (D)
Fitzpatrick, Steve (R)
Salomon, Daniel (R)
Small, Jason (R)
Vance, Gordon (R)
Vuckovich, Gene (D)

Committee on Committees
On call
Brown, Dee (R)
Buttrey, Ed (R)
Osmundson, Ryan (R)
Vincent, Chas (R)
Welborn, Jeffrey (R)

Education and Cultural Resources
M, W, F; 3p.m.; Rm 422
Salomon, Daniel (R) - Ch
Blasdel, Mark (R)- VCh
Moe, Mary (D) - VCh
Facey, Tom (D)
Jones, Llew (R)
McClafferty, Edie (D)
Regier, Keith (R)
Tempel, Russel (R)

Energy and Telecommunications
Tu, Th; 3p.m.; Rm 317
Ankney, Duane (R) - Ch
Connell, Pat (R) - VCh
Wolken, Cynthia (D) - VCh
Barrett, Dick (D)
Blasdel, Mark (R)
Kary, Doug (R)
Malek, Sue (D)
McNally, Mary (D)
Regier, Keith (R)
Richmond, Tom (R)
Small, Jason (R)
Tempel, Russel (R)

Vuckovich, Gene (D)

Ethics
On call
Swandal, Nels (R) - Ch
Osmundson, Ryan (R) - VCh
Cohenour, Jill (D)
MacDonald, Margaret (Margie) (D)
Smith, Cary (R)

Finance & Claims
M-F; 8a.m.; Rm 317
Jones, Llew (R) - Ch
Moore, Eric (R) - VCh
Ankney, Duane (R)
Caferro, Mary (D)
Gauthier, Terry (R)
Howard, David (R)
Kary, Doug (R)
Keenan, Bob (R)
Lang, Mike (R)
McNally, Mary (D)
Olszewski, Albert (R)
Osmundson, Ryan (R)
Phillips, Mike (D)
Sesso, Jon (D)
Smith, Cary (R)
Welborn, Jeffrey (R)
Whitford, Lea (D)
Wolken, Cynthia (D)

Fish and Game
Tu, Th; 3p.m.; Rm 422
Fielder, Jennifer (R) - Ch
Hinkle, Jedediah (R) - VCh
Phillips, Mike (D) - VCh
Cohenour, Jill (D)
Facey, Tom (D)
Hinebauch, Steve (R)
Howard, David (R)
McClafferty, Edie (D)
Smith, Cary (R)
Vincent, Chas (R)
Welborn, Jeffrey (R)

Highways and Transportation
Tu, Th; 3p.m.; Rm 405
Vance, Gordon (R) - Ch
Fitzpatrick, Steve (R) - VCh
Whitford, Lea (D) -VCh
Brown, Dee (R)
Buttrey, Ed (R)
Gauthier, Terry (R)
Gross, Jen (D)
Moe, Mary (D)
Pomnichowski, JP (D)
Webb, Roger (R)

Judiciary
M-F; 9a.m.; Rm 303
Regier, Keith (R) - Ch
Fielder, Jennifer (R) - VCh
Sands, Diane (D) -VCh
Gross, Jen (D)
Hinebauch, Steve (R)
Hinkle, Jedediah (R)
MacDonald, Margaret (Margie) (D)
Moe, Mary (D)
Sales, Scott (R)
Swandal, Nels (R)
Vincent, Chas (R)

Legislative Administration
On call
Keenan, Bob (R) - Ch
Connell, Pat (R) - VCh
Brown, Dee (R)
Caferro, Mary (D)
Fielder, Jennifer (R)
Sands, Diane (D)
Webb, Roger (R)

Local Government
M, W, F; 3p.m.; Rm 405
Webb, Roger (R) - Ch
Lang, Mike (R) - VCh
Vuckovich, Gene (D) - VCh
Buttrey, Ed (R)
Fitzpatrick, Steve (R)
Gauthier, Terry (R)
Hoven, Brian (R)

MacDonald, Margaret (Margie) (D)
Sesso, Jon (D)

Natural Resources
M, W, F; 3 p.m.; Rm 303
Vincent, Chas (R) - Ch
Welborn, Jeffrey (R) - VCh
Cohenour, Jill (D) - VCh
Ankney, Duane (R)
Barrett, Dick (D)
Connell, Pat (R)
Fielder, Jennifer (R)
Hinkle, Jedediah (R)
McNally, Mary (D)
Phillips, Mike (D)
Pomnichowski, JP (D)
Richmond, Tom (R)

Public Health, Welfare and Safety
M, W, F; 3 p.m.; Rm 317
Howard, David (R) - Ch
Smith, Cary (R) - VCh
Gross, Jen (D) - VCh
Caferro, Mary (D)
Hinebauch, Steve (R)
Moore, Eric (R)
Olszewski, Albert (R)
Sands, Diane (D)
Small, Jason (R)

Rules
On call
Thomas, Fred (R) - Ch
Keenan, Bob (R) - VCh
Barrett, Dick (D)
Blasdel, Mark (R)
Buttrey, Ed (R)
Jones, Llew (R)
Moore, Eric (R)
Olszewski, Albert (R)
Phillips, Mike (D)
Sales, Scott (R)
Sesso, Jon (D)
Smith, Cary (R)
Wolken, Cynthia (D)

State Administration
M, W, F; 3p.m.; Rm 335
Brown, Dee (R)- Ch
Kary, Doug (R) - VCh
Malek, Sue (D) - VCh
Osmundson, Ryan (R)
Smith, Frank (D)
Swandal, Nels (R)
Vance, Gordon (R)
Whitford, Lea (D)

Taxation
M-F; 8a.m.; Rm 405
Blasdel, Mark (R) - Ch
Webb, Roger (R) - VCh
Barrett, Dick (D) - VCh
Cohenour, Jill (D)
Hoven, Brian (R)
Malek, Sue (D)
McClafferty, Edie (D)
Pomnichowski, JP (D)
Richmond, Tom (R)
Sales, Scott (R)
Tempel, Russel (R)
Thomas, Fred (R)

Senator Brown moved the adoption of the committee report. The motion carried.

LEGISLATIVE ADMINISTRATION COMMITTEE (Keenan, Chair)
Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments:

Secretary of the Senate

Marilyn Miller	Secretary of the Senate
Debra Polhemus	Deputy Secretary of the Senate
Nadine Spencer	Deputy Secretary of the Senate
Katie Spencer	Secretary to Sec. of the Senate
Mary Gay Wells	Secretary to the President

Sergeant's Office

Carl Spencer	Sergeant-at-Arms
Ray Todd	Asst Sergeant-at-Arms, Safety
Bonner Armstrong	Asst Sergeant-at-Arms, Supplies
Bruce Nachtsheim	Safety & Facilities Aide
David Zellmer	Safety & Facilities Aide

Caleb Hinkle	Safety & Facilities Aide
Pat Hamilton	Safety & Facilities Aide
Laura Evilsizer	Page Supervisor

Majority Office

Steve Gibson	Majority Aide
Scott Mendenhall	Aide to President
Jack Wells	Aide to President
Kenneth Bogner	Majority Aide
Kevin Gardner	Majority Aide (Communications)
Rebekah Mohr	Majority Aide
Matthew Pitzer	Aide to President

Minority Office

Emily Samhammer	Minority Aide
Tully Olson	Minority Aide
Jake Brown	Minority Aide
Lewis YellowRobe	Minority Aide

Rostrum

Jeremy Craft	Amendments Coordinator
Rick Jore	Bills Distribution Clerk
Hank Trenk	Voting Clerk
Carolyn Renaud	Bills Clerk
Lynn Staley	Bills Coordinator
Karen Berger	Journal Clerk
Rick Berger	Status Input Technician
Zach Spencer	Reading Clerk

Scanning/Documents

Susie Hamilton	Documents Specialist

Word Processing

Shirley Herrin	Word Processing Supervisor
Aubrey Bush	Word Processor

Committee Secretaries

Prudence Gildroy	Finance & Claims
Olivia Hopkins	Taxation
Linda Keim	Business & Labor
Pam Schindler	Judiciary
Julie Emge	Public Health
Charlene Devine	Education, Energy
Pat Christian	Fish & Game, Natl Resources
Barbara Pietuch	Agriculture, State Admin
Jamie Wilson	Highways, Local Gov

Committee Aides

Maggie Althaus	Fish, Natl Res., State Admin
Edie Witham	Business, Energy, Finance, Tax, Pub Health
Bobby Lavinder	Ed, Highways, Judiciary
Dave McCann	Agri, Business, Local Gov, Tax

Safety & Facilities/Concessions

David Ricci	3rd Floor Concession Counter/Facilities Aide

Senator Keenan moved the adoption of the committee report. The motion carried.

SPECIAL ORDERS OF THE DAY

Majority Leader Thomas moved the the following President's appointments be confirmed by the Senate: Marilyn Miller, appointed Secretary of the Senate; Carl Spencer, appointed Sergeant-at-Arms. The motion carried.

Majority Leader Thomas moved the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. The motion carried. The President appointed Senator Brown, Chair, and Senators C. Smith, Sands and Caferro.

Majority Leader Thomas moved the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. The motion carried. The President appointed Senator Swandal, Chair, and Senators Connell, Whitford and Phillips.

Majority Leader Thomas moved the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business and that the Senate wishes the House success in its deliberations. The motion carried. The President appointed Senator Kary, Chair, and Senators Fielder, Moe and Wolken.

President Sales instructed the select committees to retire to perform their assigned duties. Majority Leader Thomas moved the Senate stand at ease, subject to the call of the Chair, to await the reports of the select committees. The motion carried.

Following the recess, President Sales called the Senate to order.

MESSAGES FROM THE OTHER HOUSE

The Honorable Committee from the House of Representatives, consisting of Representatives Shaw and Kipp, was escorted into the Senate by Sergeant-at-Arms Spencer. The Committee reported to the Senate that the House of Representatives was organized and ready for business.

REPORTS OF SELECT COMMITTEES

The select committee appointed to notify the Governor was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Brown reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the committee.

The select committee appointed to notify the House of Representatives was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Kary reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the committee.

The select committee appointed to notify the Chief Justice and members of the Supreme Court was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Swandal reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the committee.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time and assigned to committee:

SB 1, introduced by P. Connell, referred to Energy and Telecommunications.
SB 2, introduced by P. Connell, referred to Local Government.
SB 3, introduced by D. Kary, referred to State Administration.
SB 4, introduced by D. Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 5, introduced by T. Facey (by request of the School Funding Interim Commission), referred to Education and Cultural Resources.
SB 6, introduced by J. Fielder (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.
SB 7, introduced by P. Connell, referred to Energy and Telecommunications.
SB 8, introduced by T. Facey (by request of the Economic Affairs Interim Committee), referred to State Administration.
SB 9, introduced by D. Barrett (by request of the Revenue and Transportation Interim Committee), referred to Judiciary.
SB 10, introduced by M. Blasdel (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 11, introduced by P. Connell (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 12, introduced by P. Connell (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 13, introduced by S. Fitzpatrick (by request of the Department of Commerce), referred to State Administration.
SB 14, introduced by J. Cohenour (by request of the State-Tribal Relations Committee), referred

to Education and Cultural Resources.
SB 15, introduced by J. Cohenour (by request of the Education and Local Government Interim Committee), referred to Natural Resources.
SB 16, introduced by L. Jones (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 17, introduced by N. Swandal (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 18, introduced by P. Connell, referred to Natural Resources.
SB 19, introduced by D. Kary (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 20, introduced by N. Swandal (by request of the Supreme Court), referred to Judiciary.
SB 21, introduced by E. Buttrey (by request of the Code Commissioner), referred to Judiciary.
SB 22, introduced by S. Malek (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 23, introduced by S. Fitzpatrick (by request of the Commissioner of Political Practices), referred to State Administration.
SB 24, introduced by J. Welborn (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 25, introduced by M. Blasdel (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.
SB 26, introduced by S. Malek (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 27, introduced by F. Thomas (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 28, introduced by C. Vincent (by request of the Water Policy Interim Committee), referred to Judiciary.
SB 29, introduced by D. Sands (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 30, introduced by D. Sands (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 31, introduced by A. Olszewski, J. Karjala (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 32, introduced by K. Regier (by request of the Public Service Commission), referred to Energy and Telecommunications.
SB 33, introduced by B. Hoven (by request of the Department of Transportation), referred to Highways and Transportation.
SB 34, introduced by B. Hoven (by request of the Revenue and Transportation Interim Committee), referred to Local Government.
SB 35, introduced by B. Hoven (by request of the Revenue and Transportation Interim Committee), referred to Highways and Transportation.
SB 36, introduced by D. Ankney (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 37, introduced by D. Ankney (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 38, introduced by D. Ankney (by request of the Energy and Telecommunications Interim

Committee), referred to Energy and Telecommunications.
SB 39, introduced by T. Richmond (by request of the Department of Natural Resources and Conservation), referred to Local Government.
SB 40, introduced by J. Sesso (by request of the Legislative Council), referred to State Administration.
SB 41, introduced by F. Moore (by request of the Livestock Loss Board), referred to Agriculture, Livestock and Irrigation.
SB 42, introduced by D. Barrett (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 43, introduced by J. Sesso (by request of the Legislative Finance Committee), referred to State Administration.
SB 44, introduced by G. Vance (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
SB 45, introduced by M. MacDonald (by request of the Supreme Court), referred to Judiciary.
SB 46, introduced by C. Vincent (by request of the Department of Administration), referred to Natural Resources.
SB 47, introduced by C. Vincent (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 48, introduced by C. Vincent (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 49, introduced by D. Ankney (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 50, introduced by J. Pomnichowski (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 51, introduced by T. Facey (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 52, introduced by J. Cohenour (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 53, introduced by L. Jones (by request of the Legislative Finance Committee), referred to Taxation.
SB 54, introduced by J. Gross (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 55, introduced by D. Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
SB 56, introduced by M. MacDonald (by request of the Board of Pharmacy), referred to Business, Labor, and Economic Affairs.
SB 58, introduced by M. McNally (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 59, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 60, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 61, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 62, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Public

Health, Welfare and Safety.
SB 63, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 64, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 65, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 66, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 67, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.
SB 68, introduced by D. Barrett (by request of the Board of Pharmacy), referred to Business, Labor, and Economic Affairs.
SB 69, introduced by M. Moe (by request of the School Funding Interim Commission), referred to Business, Labor, and Economic Affairs.
SB 70, introduced by G. Vuckovich (by request of the Board of Optometry), referred to Business, Labor, and Economic Affairs.
SB 71, introduced by J. Gross (by request of the Department of Corrections), referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 57, introduced by M. Blasdel, E. Buttrey, J. Sesso, K. Dudik, R. Ehli, R. Lynch, V. Ricci (by request of the Department of Justice).

The following Senate joint resolutions were introduced, read first time and assigned to committee:

SJ 1, introduced by F. Thomas (by request of the House Rules Standing Committee and the Senate Rules Standing Committee), referred to Rules.
SJ 2, introduced by P. Connell (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SJ 3, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

The following Senate resolution was introduced, read first time and assigned to committee:

SR 1, introduced by F. Thomas (by request of the Senate Rules Standing Committee), referred to Rules.

SPECIAL ORDERS OF THE DAY

Majority Leader Thomas introduced the new Republican senators: Senators Terry Gauthier, Steve Hinebauch, Mike Lang, Albert Olszewski, Ryan Osmundson, Tom Richmond, Jason Small, Russel Tempel, Jeff Welborn, Steve Fitzpatrick, Daniel Salomon, and Keith Regier. Each senator addressed the Senate and introduced family members.

Minority Leader Sesso introduced the new Democrat senators: Senators Jen Gross, Margie MacDonald, Edie McClafferty, and Frank Smith. Each senator addressed the Senate and introduced family members.

President Sales reminded the Senate that the Charles Russell painting "When the Land Belonged to God" was welcomed back to the Senate during the previous session. The painting had hung above the Senate rostrum until the 2007 legislative session when it was removed to make way for the bronze mural. The return of the print to the Senate chamber was orchestrated by then-Senator (now Representative) Brad Hamlett. Once the print was on the wall, Senator Hamlett was disappointed that the painting had faded over time and, spending his own money, he purchased a new print which is now hanging in the rear of the Senate. President Sales offered the sincere thanks of the Senate to Representative Hamlett.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs. Majority Leader Thomas reviewed the Senate schedule for the coming week.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 3, 2017. Motion carried.

Senate adjourned at 1:43 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SECOND LEGISLATIVE DAY

Helena, Montana
January 3, 2017

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator C. Smith. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Blasdel introduced the Pages for the first week:

Daniel Gray from Bozeman, sponsored by President Sales
Jamie Grimes from Great Falls, sponsored by President Sales
Julie Sasek from Ulm, sponsored by President Sales

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas announced there would be a Republican caucus immediately following the floor session in room 317.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, January 4, 2017, the 3rd legislative day. Motion carried.

Senate adjourned at 1:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRD LEGISLATIVE DAY

Helena, Montana
January 4, 2017

Senate Chambers
State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 72, introduced by P. Connell, referred to State Administration.
SB 73, introduced by P. Connell, referred to Agriculture, Livestock and Irrigation.
SB 74, introduced by P. Connell, referred to Fish and Game.
SB 75, introduced by D. Brown, M. Blasdel, F. Garner, T. Gauthier, C. Glimm, B. Hamlett, E. Hill Smith, S. Hinebauch, L. Jones, D. Kary, S. Lavin, D. Mortensen, A. Olszewski, K. Regier, M. Regier, D. Sands, D. Skees, C. Smith, F. Smith, F. Thomas, J. Trebas, B. Usher, C. Vincent, K. White, referred to Business, Labor, and Economic Affairs.
SB 76, introduced by D. Brown, D. Ankney, M. Blasdel, F. Garner, T. Gauthier, C. Glimm, B. Hamlett, E. Hill Smith, S. Hinebauch, K. Holmlund, D. Kary, S. Lavin, F. Mandeville, T. Manzella, A. Olszewski, Z. Perry, K. Regier, M. Regier, T. Richmond, S. Sales, D. Skees, C. Smith, F. Smith, F. Thomas, J. Trebas, C. Vincent, K. White, referred to Taxation.
SB 77, introduced by N. Swandal, referred to Business, Labor, and Economic Affairs.
SB 78, introduced by K. Regier, referred to Energy and Telecommunications.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 2, introduced by N. Swandal, E. Buttrey, F. Thomas, referred to Judiciary.

The following Senate bills were introduced and read first time:

SB 79, introduced by S. Fitzpatrick, W. McKamey.
SB 80, introduced by S. Fitzpatrick.
SB 81, introduced by N. Swandal.
SB 82, introduced by A. Olszewski.
SB 83, introduced by R. Webb.
SB 84, introduced by S. Hinebauch, S. Berglee, A. Doane, K. Holmlund, D. Kary, A. Knudsen, M. Lang, M. MacDonald, F. Moore, A. Redfield, S. Staffanson.

The following bill, previously introduced, was referred to committee:

SB 57, introduced by M. Blasdel, E. Buttrey, J. Sesso, K. Dudik, R. Ehli, R. Lynch, V. Ricci (by request of the Department of Justice), referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Minority Leader Sesso announced the Democrats will caucus in room 335 upon adjournment.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Thursday, January 5, 2017, the 4th legislative day. Motion carried.

Senate adjourned at 1:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 5, 2017 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Olszewski. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS
Correctly printed: **SB 72**, **SB 73**, **SB 74**, **SB 75**, **SB 76**, **SB 77**, **SB 78**, **SR 2.**

MOTIONS

Senator Buttrey moved **SB 72** be re-referred from the State Administration Committee to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Friday, January 6, 2017, the 5th legislative day. Motion carried.

Senate adjourned at 1:06 p.m.

MARILYN MILLER — SCOTT SALES
Secretary of the Senate — President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 6, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Caferro. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

President Sales introduced the members of the Senate staff.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/6/2017
SB 56, do pass. Report adopted.
SB 70, do pass. Report adopted.

JUDICIARY (Regier, Chair): 1/6/2017
SB 20, do pass. Report adopted.
SB 21, do pass. Report adopted.

Without objection, the committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 85, introduced by M. Moe, J. Pomnichowski, J. Price, referred to Taxation.
SB 86, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 87, introduced by K. Regier, referred to State Administration.
SB 88, introduced by J. Sesso, referred to Finance and Claims.
SB 89, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.
SB 90, introduced by N. Swandal, referred to Judiciary.
SB 91, introduced by J. Hinkle, S. Berglee, M. Blasdel, B. Brown, Z. Brown, P. Connell, J. Fielder, K. Flynn, B. Hamlett, S. Hinebauch, D. Howard, T. Jacobson, D. Kary, J. Knokey, K. McCarthy, M. Phillips, B. Smith, J. Welborn, referred to Fish and Game.
SB 92, introduced by A. Olszewski, D. Kary, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 93, introduced by T. Richmond.

The following Senate bills, previously introduced, were referred to committees:

SB 79, introduced by S. Fitzpatrick, W. McKamey, referred to Local Government.
SB 80, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 81, introduced by N. Swandal, referred to Judiciary.
SB 82, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.
SB 83, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 84, introduced by S. Hinebauch, S. Berglee, A. Doane, K. Holmlund, D. Kary, A. Knudsen, M. Lang, M. MacDonald, F. Moore, A. Redfield, S. Staffanson, referred to Fish and Game.

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, January 9, 2017, the 6th legislative day. Motion carried.

Senate adjourned at 1:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 9, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator McClafferty. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Moore and Vincent excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/9/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the first, second, third, fourth, and fifth legislative days, find the same to be correct.

Correctly printed: **SB 20**, **SB 21**, **SB 56**, **SB 70**, **SB 79**, **SB 80**, **SB 81**, **SB 82**, **SB 83**, **SB 84**, **SB 85**, **SB 86**, **SB 87**, **SB 88, SB 89**, **SB 90, SB 91, SB 92**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/6/2017
SB 5, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "protest"
Insert: "refund"

2. Page 2, line 4.
Following: "protest"
Insert: "refund"

And, as amended, do pass.

SB 6, do pass.

STATE ADMINISTRATION (Brown, Chair): 1/6/2017
SB 8, do pass.
SB 16, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: the second "funded"
Insert: "at fiscal yearend"

2. Page 1, line 17.

Following: "previous"
Insert: "or current"
Following: "year"
Insert: ", whichever is greater"

3. Page 1, line 25.
Strike: "Whenever"
Insert: "The fund shall be reviewed on an annual basis to determine whether the fund is soundly funded pursuant to 19-18-503.
(2) Based on the annual review:
(a) if"

4. Page 1, line 28.
Following: "town"
Strike: "."
Insert: ";"

5. Page 1, line 29.
Strike: "(2) When"
Insert: "(b) if"

6. Page 2.
Following: line 3
Insert: "NEW SECTION. **Section 3. Disposition of excess funds.** (1) Based on the annual review required by 19-18-504, if the fund contains more than the maximum amount required to keep the fund soundly funded pursuant to 19-18-503, the city or town council shall transfer the excess funds as soon as possible.
(2) If the excess funds originated from a special voted levy pursuant to 19-18-504, the funds must be applied to reduce the special voted levy for the next or subsequent fiscal year.
(3) Any excess funds remaining after the transfer under subsection (1) must be transferred to the general fund to be used as budgeted by the city or town council."
Insert: "NEW SECTION. **Section 4. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 19, chapter 18, part 5, and the provisions of Title 19, chapter 18, part 5, apply to [section 3]."
Renumber: subsequent section

And, as amended, do pass.

SB 19, do pass.

Without objection, the committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 94, introduced by K. Regier, M. Blasdel, D. Fern, G. Hertz, B. Keenan, D. Mortensen, A. Olszewski, Z. Perry, D. Skees, referred to Taxation.
SB 95, introduced by L. Jones, referred to Finance and Claims.
SB 96, introduced by C. Smith, D. Bartel, S. Berglee, M. Blasdel, B. Brown, D. Brown, T. Burnett, M. Caferro, A. Curtis, A. Doane, R. Ehli, J. Essmann, J. Fielder, K. Flynn, W. Galt, T. Gauthier, C. Glimm, E. Greef, B. Hamlett, B. Harris, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, M. Hopkins, D. Jones, D. Kary, J. Keane, B. Keenan, A. Knudsen, C. Knudsen, M. Lang, D. Lenz, D. Loge, R. Lynch, F. Mandeville, T. Manzella, W. McKamey, F. Moore, D. Mortensen, M. Noland, J. O'Hara, A. Olszewski, R. Osmundson, J. Patelis, A. Redfield, K. Regier, V. Ricci, A. Rosendale, S. Sales, L. Sheldon-Galloway, D. Skees, C. Smith, S. Staffanson, R. Tempel, F. Thomas, J. Trebas, B. Tschida, B. Usher, G. Vance, C. Vincent, S. Vinton, K. Wagoner, P. Webb, R. Webb, J. Windy Boy, C. Wolken, D. Zolnikov, referred to Public Health, Welfare and Safety.
SB 97, introduced by K. Regier, referred to Judiciary.
SB 98, introduced by C. Smith, referred to Judiciary.
SB 99, introduced by C. Smith, M. Blasdel, referred to Judiciary.
SB 100, introduced by C. Smith, referred to Public Health, Welfare and Safety.

The following Senate bill, previously introduced, was referred to committee:

SB 93, introduced by T. Richmond, referred to Energy and Telecommunications.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, January 10, 2017, the 7th legislative day. Motion carried.

Senate adjourned at 1:12 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 10, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Whitford. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Sesso excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/10/2017
Correctly printed: **SB 6**, **SB 8**, **SB 13, SB 19, SB 93**, **SB 94**, **SB 95**, **SB 96**, **SB 97**, **SB 98**, **SB 99**, **SB 100**.
Correctly engrossed: **SB 5**, **SB 16**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/10/2017
SB 77, do pass.

JUDICIARY (Regier, Chair): 1/10/2017
SB 30, do pass.

RULES (Thomas, Chair): 1/9/2017
SJ 1, introduced joint resolution, be amended as follows:

1. Page 6, line 11.
Following: "kept"
Insert: "that includes but is not limited to:
(a) the date, time, and place of the meeting;
(b) a list of the individual members of the public body, agency, or organization who were in attendance;
(c) the substance of all matters proposed, discussed, or decided; and
(d) at the request of any member, a record of votes by individual members for any votes taken"

2. Page 8, line 11.
Following: "revenue."
Insert: "(1)"

3. Page 8.
Following: line 13
Insert: "(2) (a) The committee must have prepared by December 1 for introduction during each

regular session of the Legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee may prepare for introduction during a special session of the Legislature in which a revenue bill or an appropriation bill is under consideration an estimate of the amount of projected revenue. The revenue estimate is considered a subject specified in the call of a special session."

4. Page 8, line 22.
Strike: "Federal Relations, Energy, and Telecommunications"
Insert: "Energy, Technology, and Federal Relations"

5. Page 9, line 25.
Strike: "Federal Relations, Energy, and Telecommunications"
Insert: "Energy, Technology, and Federal Relations"

6. Page 16, line 26.
Strike: "presiding officer"
Insert: "chair of the first committee in the originating chamber considering the bill"

7. Page 16, line 28.
Strike: "presiding officer of the originating chamber"
Insert: "first committee in the originating chamber considering the bill"

8. Page 19, line 2.
Following: "house"
Insert: "within 1 legislative day,"

9. Page 19, line 3 through line 8.
Strike: subsection (4) in its entirety
Insert: "(4)(a) A bill that has passed both houses of the Legislature and that has been enrolled, clerically corrected by the presiding officers if necessary, and signed by the presiding officers before the second-to-last legislative day must be delivered within 5 legislative days after both presiding officers have signed the bill to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State.

(b) A bill that has passed both houses of the Legislature and that has been enrolled, clerically corrected by the presiding officers if necessary, and signed by the presiding officers on or after the second-to-last legislative day must be delivered within 5 working days after both presiding officers have signed the bill to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State."

10. Page 22.
Following: line 24
Insert: "**60-05. Source and precedent of legislative rules of the Montana Legislature.** (1) The legislative rules of the Montana Legislature are derived from several sources listed below and take precedence in the following order:

(a) constitutional provisions and judicial decisions on the constitution;
(b) adopted legislative rules of the Montana Legislature;
(c) statutory provisions;
(d) adopted parliamentary authority; and
(e) parliamentary law.
(2) Legislative rules passed by one legislature or statutory provisions governing the legislative process are not binding on a subsequent legislature."

And, as amended, do pass.

SR 1, introduced resolution, be amended as follows:

1. Page 9, line 6.
Following: "quorum."
Insert: "As ex officio nonvoting members of a committee, the majority leader and minority leader have the privileges of a committee member pursuant to S30-70(13)(a), (13)(c), and (13)(d)."

2. Page 12, line 21.
Following: "(2)"
Insert: "(a)"

3. Page 12.
Following: line 24
Insert: "(b) A person who is an employee of the state or a political subdivision of the state that is offering testimony on behalf of the state or political subdivision shall state in the person's oral or written testimony the specific entity or state officeholder that they are representing."

And, as amended, be adopted.

STATE ADMINISTRATION (Brown, Chair): 1/9/2017
SB 13, do pass.

Without objection, the committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 101, introduced by T. Richmond.
SB 102, introduced by T. Richmond.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 20 - Senator Swandal moved **SB 20** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sesso.
Total 1

SB 21 - Senator Buttrey moved **SB 21** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sesso.

Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

President Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sesso.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Blasdel introduced the Pages for the current week:

Julia Vercella, from Butte, sponsored by Senator Keenan.
Alexis Canen, from Glendive, sponsored by Senator Hinebauch.
Kortny Maurer, from Billings, sponsored by Senator Webb.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas announced the Senate Republicans would caucus immediately upon adjournment.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, January 11, 2017, the 8th legislative day. Motion carried.

Senate adjourned at 1:20 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 11, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Osmundson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Whitford excused.

BILLS AND JOURNALS (Keenan, Chair): 1/11/2017

Correctly printed: **SB 20**, **SB 21**, **SB 30**, **SB 77**.
Correctly engrossed: **SJ 1, SR 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/11/2017
SB 25, introduced bill, be amended as follows:

1. Page 3, line 1.
Following: "minimal"
Insert: "nonmonetary"

2. Page 3, line 15.
Strike: "credit union"
Insert: "bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business and accept deposits in this state under state or federal law"

3. Page 4, line 24.
Following: "organization"
Insert: "and that is registered with the department"

4. Page 5, line 22.
Following: "means"
Strike: "a nonprofit corporation or"
Following: "established"
Insert: "as a nonprofit"

5. Page 7, line 29.
Following: "(b)"
Strike: "The"
Insert: "Except raffles sponsored by nonprofit organizations, the"

And, as amended, do pass.

SB 68, introduced bill, be amended as follows:

1. Page 2, line 24.
Strike: line 24 in its entirety
Insert: "(15) “Distribute” or “distribution” means the sale, purchase, trade, delivery, handling, storage, or receipt of a drug or device and does not include administering or dispensing a prescription drug, pursuant to section 353(b)(1), or a new animal drug, pursuant to section 360b(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq."

2. Page 14, line 11.
Strike: "but not limited to"

3. Page 14, line 12.
Strike: "but is not limited to"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/10/2017
SB 17, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"
Insert: "OR"

2. Page 2, line 6.
Strike: "and"
Insert: "or"

And, as amended, do pass.

SB 28, introduced bill, be amended as follows:

1. Page 2, line 12.
Following: "(e)"
Insert: "(i)"

2. Page 2, following line 16.
Insert: "(ii) If more than one party is aggrieved by a final decision on an application for a permit or change in appropriation right filed under Title 85, chapter 2, part 3, the district court where the appropriation right is located has jurisdiction. If more than one aggrieved party files a petition but no aggrieved party files a petition in the district court where the appropriation right is located, the first judicial district, Lewis and Clark County, has jurisdiction."

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/11/2017
SR 2, be adopted.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/10/2017

HB 1, introduced by Ballance
HB 125, introduced by Curdy

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 103, introduced by L. Jones, R. Cook, D. Jones, referred to Education and Cultural Resources.
SB 104, introduced by D. Sands, M. Moe, referred to Public Health, Welfare and Safety.
SB 105, introduced by D. Barrett, referred to Taxation.
SB 106, introduced by D. Brown, referred to Highways and Transportation.
SB 107, introduced by D. Kary, D. Ankney, M. Blasdel, Z. Brown, A. Curtis, J. Ellis, F. Garner, C. Glimm, K. Holmlund, T. Jacobson, J. Keane, D. Lenz, F. Mandeville, M. Phillips, G. Pierson, K. Regier, T. Richmond, J. Small, S. Staffanson, J. Trebas, C. Vincent, K. Wagoner, K. White, C. Wolken, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by N. Ballance, referred to Finance and Claims.
HB 125, introduced by W. Curdy, referred to Business, Labor, and Economic Affairs.

The following Senate bills, previously introduced, were referred to committees:

SB 101, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 102, introduced by T. Richmond, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 56 - Senator MacDonald moved **SB 56** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 70 - Senator Vuckovich moved **SB 70** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 5 - Senator Facey moved **SB 5** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich,

Webb, Welborn, Wolken, Mr.President.
Total 44

Nays: Hinebauch, Howard, Olszewski, Vance, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 6 - Senator Fielder moved **SB 6** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed, President Sales presiding.

President Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 20 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 21 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Sands announced the legislator memorial service has been scheduled for April 9, 2017.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 12, 2017, the 9th legislative day. Motion carried.

Senate adjourned at 1:30 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 12, 2017 — State Capitol

Senate convened at 1:07 p.m. President Sales presiding. Invocation by Senator Blasdel. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/12/2017

Correctly printed: **SB 5**, **SB 6**, **SB 56**, **SB 70**, **SB 101**, **SB 102**, **SB 103**, **SB 104**, **SB 105**, **SB 106**, **SB 107**, **SR 2**.
Correctly engrossed: **SB 17**, **SB 25**, **SB 28**, **SB 68**.
Transmitted to the House: **SB 20**, **SB 21**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/11/2017
SB 4, do pass.
SB 62, introduced bill, be amended as follows:

1. Page 1, line 22.
Strike: "mental"
Insert: "behavioral health"

2. Page 1, line 25.
Strike: "mental"
Insert: "behavioral health"

3. Page 2, line 3.
Strike: "or"

4. Page 2, line 5.
Following: "nursing"
Insert: "; or
(f) a marriage and family therapist licensed under Title 37, chapter 37"

5. Page 2, line 25.
Following: "by a"
Strike: "behavioral"
Insert: "mental"

And, as amended, do pass.

TAXATION (Blasdel, Chair): 1/12/2017
SB 10, do pass.
SB 53, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/11/2017

HB 20, introduced by Keane
HB 26, introduced by Welch
HB 88, introduced by Funk
HB 132, introduced by McConnell

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 108, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.
SB 109, introduced by M. Phillips, referred to Natural Resources.
SB 110, introduced by M. Phillips, referred to Fish and Game.
SB 111, introduced by K. Regier, referred to Fish and Game.
SB 112, introduced by S. Malek, J. Essmann, referred to Taxation.
SB 113, introduced by F. Moore, M. Caferro, referred to Judiciary.
SB 114, introduced by M. Moe, F. Moore, referred to Education and Cultural Resources.
SB 115, introduced by M. Moe, F. Moore, referred to Education and Cultural Resources.
SB 116, introduced by M. Blasdel, referred to Business, Labor, and Economic Affairs.
SB 117, introduced by R. Webb, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 4, introduced by M. MacDonald, V. Court, K. Regier, D. Sands, N. Swandal, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by J. Keane (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 26, introduced by T. Welch (by request of the Department of Commerce), referred to Business,

Labor, and Economic Affairs.
HB 88, introduced by M. Funk (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 132, introduced by N. McConnell (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 2 - Senator Swandal moved **SR 2** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 1 - Senator Thomas moved **SJ 1** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Cohenour, Gross, MacDonald, Malek, McClafferty, Moe, Pomnichowski, Sesso, Smith F, Vuckovich, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 1 - Senator Thomas moved **SR 1** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Caferro, Cohenour, MacDonald, Malek, McNally, Moe, Pomnichowski, Sesso, Vuckovich, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 43

Nays: Cohenour, MacDonald, Malek, Sesso, Smith F, Vuckovich, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Brown, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Vance, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 6 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 56 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald,

Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinebauch, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 70 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved **SB 16** be taken from the second reading board and re-referred to the State Administration Committee. Without objection so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 13, 2017, the 10th legislative day. Motion carried.

Senate adjourned at 1:52 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 13, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call, Forty-eight members present, Senators McNally and Osmundson excused.

BILLS AND JOURNALS (Keenan, Chair): 1/13/2017

Correctly printed: **SB 4**, **SB 10**, **SB 53**, **SB 108**, **SB 109**, **SB 110, SB 111, SB 112, SB 113, SB 114**, **SB 115, SB 116, SB 117**, **SJ 1, SJ 4**.
Correctly engrossed: **SB 62**.
Transmitted to the House: **SB 5**, **SB 6**, **SB 56**, **SB 70**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 1/12/2017
SB 41, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/13/2017
SB 54, do pass.

FISH AND GAME (Fielder, Chair): 1/10/2017
SB 52, do pass.

FISH AND GAME (Fielder, Chair): 1/12/2017
SB 84, do pass.

JUDICIARY (Regier, Chair): 1/12/2017
SB 81, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 11, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following judicial appointments:

17th Judicial District
MCA 3-1-1010

! Judge Yvonne Gaye Laird, 8530 Paradise Valley Road, Chinook, MT 59523

18th Judicial District
MCA 3-1-1010

! Judge Rienne Hartman McElyea, 120 Cook Court, Bozeman, MT 59715

I have included the appointees' application packets as received by the Judicial Nominations Commission.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at extension 4405 or by email at sotterstrom@mt.gov. Thank you.

Sincerely,

STEVE BULLOCK
Governor

January 11, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointments for confirmation.

! Department of Administration, Director, **Mr. John Lewis**, 1127 5th Avenue, Helena, MT 59601, appointed January 2, 2017;

! Department of Environmental Services, Director, **Mr. Thomas Livers**, 525 S. California Street, Helena, MT 59601, reappointed January 2, 2017;

! Department of Labor and Industry, Commissioner, **Ms. Pamela Bucy**, 808 8th Avenue, Helena, MT 59601, reappointed January 2, 2017;

! Department of Military Affairs, Adjutant General, **Major General Matthew Quinn**, 5328 Horn Road, Missoula, MT 59808, reappointed January 2, 2017;

! Department of Natural Resources and Conservation, Director, **Mr. John Tubbs**, 900 University Street, Helena, MT 59601, reappointed January 2, 2017;

! Northwest Power and Conservation Council, Member, **Ms. Jennifer Anders**, 30 W. 14th St., Helena, MT 59601, reappointed January 2, 2017;

! Northwest Power and Conservation Council, Member, **Mr. Tim Baker**, 30 W. 14th St., Helena, MT 59601 appointed January 7, 2017;

! Department of Public Health and Human Services, Director, **Ms. Sheila Hogan**, 2110 East Sixth Avenue, Helena, MT 59601, appointed January 2, 2017;

! Department of Revenue, Director, **Mr. Mike Kadas**, 922 Taylor, Missoula, MT 59802, reappointed January 2, 2017; and

! Department of Transportation, Director, **Mr. Michael Tooley**, 259 Flagstone Avenue, Helena, MT 59602, reappointed January 2, 2017.

I have included a packet of materials with each nomination for your consideration. Stacey Otterstrom, my Boards and Appointments Advisor will coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at

sotterstrom@mt.gov or by phone at extension 4405.

Sincerely,

STEVE BULLOCK
Governor

January 11, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Accountants, Board of Public
MCA 2-15-1756

! Lucinda Willis, PO Box 7, Polson, MT 59860, was appointed to serve a term starting September 2, 2016 and ending July 1, 2020. Willis fulfills the qualifications of Member of the general public who is not engaged in the practice of public accounting for the board.

! Ranetta Jones, 2004 Miles Avenue, Billings, MT 59102, was appointed to serve a term starting September 2, 2016 and ending July 1, 2020. Jones fulfills the qualifications of Certified Public Accountant (CPA), licensed for the board.

Alternative Health Care Board
MCA 2-15-1730

! Dr. Christine White Deeble, 2475 Humble Road, Missoula, MT 59804, was reappointed to serve a term starting September 1, 2016 and ending September 1, 2020. White Deeble fulfills the qualifications of Naturopath for the board.

! Dr. Nancy Patterson, 1601 2nd Ave N Ste 520, Great Falls, MT 59401, was reappointed to serve a term starting September 11, 2015 and ending September 1, 2019. Patterson fulfills the qualifications of Naturopath for the board.

! Dr. Sandy Shepherd, 3334 Hollis, Missoula, MT 59801, was appointed to serve a term starting October 14, 2016 and ending September 1, 2019. Shepherd fulfills the

qualifications of Montana Physician whose practice includes obstetrics for the board.

Architects and Landscape Architects, Board of
MCA 2-15-1761

! Maire O'Neill, School of Architecture, MSU, 160 Cheever Hall - MSU, Bozeman, MT 59717, was reappointed to serve a term starting March 27, 2016 and ending April 1, 2019. O'Neill fulfills the qualifications of Licensed architect who is on the staff of the MSU-Bozeman School of Architecture for the board.

! Nathan Steiner, 1925 Grand Ave, Suite 105, Billings, MT 59102, was reappointed to serve a term starting March 27, 2016 and ending April 1, 2019. Steiner fulfills the qualifications of Licensed Landscape Architect for the board.

! Shelly Engler, 2436 Snapdragon, Bozeman, MT 59718, was reappointed to serve a term starting March 27, 2016 and ending April 1, 2019. Engler fulfills the qualifications of Licensed Landscape Architect for the board.

Arts Council, Montana
MCA 22-2-102

! Arlene Parisot, 748 South California, Helena, MT 59601, was reappointed to serve a term starting April 12, 2013 and ending February 2, 2018. Parisot fulfills the qualifications of Public Representative for the board.

! G.B. Carson, PO Box 2, Townsend, MT 59644, was appointed to serve a term starting September 2, 2016 and ending February 1, 2020. Carson fulfills the qualifications of Public Representative for the board.

! Dr. Renee Westlake, 2900 Love Lane, Bozeman, MT 59718, was appointed to serve a term starting September 2, 2016 and ending February 1, 2017. Westlake fulfills the qualifications of Public Representative for the board.

! Sean Chandler, Aaniiih Nakoda College, PO Box 1114, Harlem, MT 59526, was appointed to serve a term starting March 18, 2016 and ending February 1, 2020. Chandler fulfills the qualifications of Public Representative for the board.

Banking Board, State
MCA 2-15-1025

! Amy Rapp, 1113 5th Ave North, Great Falls, MT 59401, was reappointed to serve a term starting July 1, 2016 and ending July 1, 2019. Rapp fulfills the qualifications of Member of the public who is not an officer, director or shareholder of a bank for the board.

! Bart Langemeier, PO Box 1388, Red Lodge, MT 59068, was reappointed to serve a term

starting July 1, 2016 and ending July 1, 2019. Langemeier fulfills the qualifications of Active officer of a national bank doing business in Montana for the board.

! Jack Johnson, 1562 38th St W, Billings, MT 59102, was reappointed to serve a term starting July 24, 2015 and ending July 1, 2018. Johnson fulfills the qualifications of Member of the public who is not an officer, director or shareholder of a bank for the board.

! Phil Gaglia, 725 Agate, Billings, MT 59105, was reappointed to serve a term starting July 24, 2015 and ending July 1, 2018. Gaglia fulfills the qualifications of State Bank Officer, Large-Size Bank for the board.

Barbers and Cosmetologists, Board of
MCA 2-15-1747

! Glenna Lee, 241 Georgetown drive, Glendive, MT 59330, was appointed to serve a term starting February 26, 2016 and ending October 1, 2020. Lee fulfills the qualifications of Electrologist, Esthetician or Manicurist - Affiliated with a School for the board.

! Katie Fontana, 1120 24th Ave SW, Great Falls, MT 59404, was appointed to serve a term starting January 29, 2016 and ending October 1, 2018. Fontana fulfills the qualifications of Member of the public who is not engaged in the practice of barbering, cosmetology, etc. for the board.

! Naomi Burbach, 202 Michelle Ln., Glendive, MT 59330, was appointed to serve a term starting January 29, 2016 and ending October 1, 2020. Burbach fulfills the qualifications of Member of the public who is not engaged in the practice of barbering, cosmetology, etc. for the board.

Behavioral Health, Board of
MCA 2-15-1744

! Durand Bear Medicine, PO Box 831, Browning, MT 59417, was appointed to serve a term starting February 12, 2016 and ending January 1, 2017. Bear Medicine fulfills the qualifications of Licensed addiction counselor for the board.

! Mona Sumner, PO Box 30374, Billings, MT 59107, was appointed to serve a term starting February 12, 2016 and ending January 1, 2019. Sumner fulfills the qualifications of Licensed addiction counselor for the board.

Chiropractors, Board of
MCA 2-15-1737

! Dr. Greg Pisk, 178 2nd Ave East N, Kalispell, MT 59901, was appointed to serve a term starting February 26, 2016 and ending January 1, 2019. Pisk fulfills the qualifications of Chiropractor for the board.

! Sheryl Olson, 304 10th Street, Stevensville, MT 59870, was appointed to serve a term starting January 29, 2016 and ending January 1, 2018. Olson fulfills the qualifications of Representative of the public who is not engaged in the practice of chiropractic for the board.

! Dr. VJ Maddio, 827 N. Last Chance Gulch, Helena, MT 59601, was appointed to serve a term starting June 26, 2015 and ending January 1, 2018. Maddio fulfills the qualifications of Chiropractor for the board.

Clinical Laboratory Science Practitioners, Board of
MCA 2-15-1753

! Vicki Rice, 2008 Oro Fino Gulch, Helena, MT 59601, was reappointed to serve a term starting April 17, 2015 and ending April 1, 2019. Rice fulfills the qualifications of Clinical Laboratory Science Practitioner who holds an active license for the board.

! Troy Krieger, 206 Birchwood Drive, Billings, MT 59102, was reappointed to serve a term starting April 16, 2016 and ending April 1, 2020. Krieger fulfills the qualifications of Clinical Laboratory Science Practitioner who holds an active license for the board.

Coal Board
MCA 2-15-1821

! Jed Fitch, 2 S Pacific Street, Suite #2, Dillon, MT 59725, was appointed to serve a term starting February 26, 2016 and ending January 1, 2017. Fitch fulfills the qualifications of Attorney, District 1 for the board.

! Tim Schaff, 924 5th Street West, Roundup, MT 59072, was appointed to serve a term starting June 15, 2015 and ending January 1, 2019. Schaff fulfills the qualifications of District 2, expertise in education for the board.

! Veronica Small-Eastman, PO Box 262, Lodge Grass, MT 59050, was appointed to serve a term starting June 15, 2015 and ending January 1, 2019. Small-Eastman fulfills the qualifications of District 2, expertise in education for the board.

County Printing, Board of
MCA 2-15-1026

! Comm. Carol Brooker, Sanders County Board of Commissioners, Thompson Falls, MT 59873, was reappointed to serve a term starting October 14, 2016 and ending April 1, 2017. Brooker fulfills the qualifications of County Commissioner for the board.

! Jim Strauss, 205 River Drive South, Great Falls, MT 59405, was appointed to serve a term starting October 14, 2016 and ending April 1, 2017. Strauss fulfills the qualifications of

Printing Industry for the board.

! Comm. Laura Obert, PO Box 196, Townsend, MT 59644, was reappointed to serve a term starting May 8, 2015 and ending April 1, 2017. Obert fulfills the qualifications of County Commissioner for the board.

! Roger Wagner, PO Box 408, Nashua, MT 59248, was reappointed to serve a term starting May 8, 2015 and ending April 1, 2017. Wagner fulfills the qualifications of Member of the general public for the board.

! Scott Turner, 125 Ave D, Billings, MT 59101, was reappointed to serve a term starting May 8, 2015 and ending April 1, 2017. Turner fulfills the qualifications of Printing Industry for the board.

Crime Control, Board of
MCA 2-15-2006

! Jennie Hansen, PO Box 516, Huntley, MT 59037, was appointed to serve a term starting September 13, 2016 and ending January 1, 2017. Hansen fulfills the qualifications of Community Corrections for the board.

! Shellie Aune, 205 Haggerty Lane, Suite #170, Bozeman, MT 59714, was appointed to serve a term starting January 15, 2016 and ending January 1, 2017. Aune fulfills the qualifications of Public Representative for the board.

! Tim Brurud, 302 20th Street, Havre, MT 59501, was appointed to serve a term starting January 15, 2016 and ending January 1, 2017. Brurud fulfills the qualifications of Youth Justice Council Representative for the board.

! Wyatt Glade, 1010 Main St., Miles City, MT 59301, was appointed to serve a term starting August, 19, 2016 and ending January 1, 2017. Glade fulfills the qualifications of Law Enforcement Representative for the board.

Dentistry, Board of
MCA 2-15-1732

! Cherry Loney, 3000 Upper River Road, Great Falls, MT 59405, was appointed to serve a term starting April 8, 2016 and ending April 1, 2021. Loney fulfills the qualifications of Public Member for the board.

! Kevin Miltko, 1550 South Ave West, Missoula, MT 59801, was appointed to serve a term starting April 8, 2016 and ending April 1, 2021. Miltko fulfills the qualifications of Licensed Dentist for the board.

Education, Board of Public
MCA 2-15-1508

! Jesse Barnhart, 1080 W. U.S. Highway 212, Broadus, MT 59317, was appointed to serve a term starting June 26, 2015 and ending February 1, 2018. Barnhart fulfills the qualifications of District 2 - Republican for the board.

! Tammy Lacey, 1100 4th St. S, Great Falls, MT 59403, was appointed to serve a term starting February 1, 2016 and ending February 1, 2023. Lacey fulfills the qualifications of District 2 - Democrat for the board.

Electrical Board, State
MCA 2-15-1764

! Dawn Achten, 4450 Vaugn Ln, Billings, MT 59101, was reappointed to serve a term starting July 1, 2016 and ending July 1, 2021. Achten fulfills the qualifications of Member representing the public for the board.

! Mel Medhus, 2780 Middle Road, Columbia Falls, MT 59912, was reappointed to serve a term starting July 10, 2015 and ending July 1, 2020. Medhus fulfills the qualifications of Master Licensed Electrical Contractor for the board.

Engineers and Land Surveyors, Board of Professional
MCA 2-15-1763

! Raymond Gross, 355 Antelope Drive, Dillon, MT 59725, was appointed to serve a term starting March 25, 2016 and ending July 1, 2019. Gross fulfills the qualifications of Professional and Practicing Land Surveyor for the board.

! Roger Wagner, PO Box 408, Nashua, MT 59248, was appointed to serve a term starting April 22, 2016 and ending July 1, 2019. Wagner fulfills the qualifications of Representative of the public not engaged in/directly connected with the practice of engineering/ls for the board.

! Ruhul Amin, 1145 S Pinecrest Dr, Bozeman, MT 59715, was reappointed to serve a term starting March 25, 2016 and ending July 1, 2019. Amin fulfills the qualifications of Instructor; Professional Engineer (Mechanical) for the board.

! Tom Pankratz, 5 Shadow Ridge Road, Clancy, MT 59634, was appointed to serve a term starting April 8, 2016 and ending July 1, 2019. Pankratz fulfills the qualifications of Professional Engineer (Electrical) for the board.

Environmental Review, Board of
MCA 2-15-3502

! Michele Reinhart Levine, PO Box 2629, Great Falls, MT 59403, was appointed to serve a term starting June 1, 2015 and ending January 1, 2019. Reinhart Levine fulfills the qualifications of Public Representative for the board.

! Dr. Robert Byron, 1079 Community School Rd, Hardin, MT 59034, was appointed to serve a term starting June 1, 2015 and ending January 1, 2019. Byron fulfills the qualifications of Expertise or background as a county health officer or as a medical doctor for the board.

! Roy O'Connor, SAROC, Inc, Missoula, MT 59802, was appointed to serve a term starting June 1, 2015 and ending January 1, 2019. O'Connor fulfills the qualifications of Public Representative for the board.

Funeral Services, Board of
MCA 2-15-1743

! Michael Thompson, PO Box 731, Ronan, MT 59864, was reappointed to serve a term starting July 10, 2015 and ending July 1, 2020. Thompson fulfills the qualifications of Crematory Operator, Crematory Technician or Mortician engaged in Crematory Operations for the board.

Hail Insurance, Board of
MCA 2-15-3003

! Jim Schillinger, Box 400, Circle, MT 59215, was reappointed to serve a term starting April 8, 2016 and ending May 1, 2019. Schillinger fulfills the qualifications of Public Member for the board.

Hard-Rock Mining Impact Board
MCA 2-15-1822

! Donna von Nieda, 1258 Stillwater River Road, Nye, MT 59061, was reappointed to serve a term starting May 29, 2015 and ending January 1, 2019. von Nieda fulfills the qualifications of District 1 - Impact Area - Elected School District Trustee for the board.

! Comm. Jane Weber, Cascade County Commission, Great Falls, MT 59401, was appointed to serve a term starting April 8, 2016 and ending January 1, 2019. Weber fulfills the qualifications of County Commissioner, District 2 for the board.

! Marianne Roose, PO Box 532, Eureka, MT 59917, was reappointed to serve a term starting May 29, 2015 and ending January 1, 2017. Roose fulfills the qualifications of District 1 - Impact Area for the board.

Hearing Aid Dispensers, Board of
MCA 2-15-1740

! Alfred McLees, 1211 Grand Ave #2, Billings, MT 59102, was reappointed to serve a term starting July 10, 2015 and ending July 1, 2018. McLees fulfills the qualifications of Licensed hearing aid dispenser for the board.

! Dr. Helen Hallenbeck, 152 Fairway Drive, Missoula, MT 59803, was reappointed to serve a term starting July 1, 2016 and ending July 1, 2019. Hallenbeck fulfills the qualifications of Licensed hearing aid dispenser for the board.

Historical Society Board of Trustees
MCA 22-3-104

! Bob Brown, 333 Cougar Tr, Whitefish, MT 59937, was reappointed to serve a term starting July 1, 2016 and ending July 1, 2021. Brown fulfills the qualifications of Public Representative for the board.

! Chuck Johnson, 520 Power Street, Helena, MT 59601, was appointed to serve a term starting August 7, 2015 and ending July 1, 2020. Johnson fulfills the qualifications of Public Representative for the board.

! Crystal Wong Shors, 735 Breckenridge, Helena, MT 59601, was reappointed to serve a term starting July 1, 2016 and ending July 1, 2021. Wong Shors fulfills the qualifications of Public Representative for the board.

! Jude Sheppard, PO Box 928, Chinook, MT 59523, was reappointed to serve a term starting August, 7, 2015 and ending July 1, 2020. Sheppard fulfills the qualifications of Public Representative for the board.

! Thomas Nygard, 10570 Enders Road, Bozeman, MT 59718, was reappointed to serve a term starting July 1, 2016 and ending July 1, 2021. Nygard fulfills the qualifications of Public Representative for the board.

Livestock, Montana Board of
MCA 2-15-3102

! Susan Brown, 3380 Penwell Bridge Road, Belgrade, MT 59714, was appointed to serve a term starting February 26, 2016 and ending March 1, 2017. Brown fulfills the qualifications of Dairy Producer representing the dairy and poultry industry for the board.

Massage Therapy, Board of
MCA 2-15-1782

! Alyson Ragsdale, PO Box 253, Broadus, MT 59312, was appointed to serve a term starting September 16, 2016 and ending May 6, 2017. Ragsdale fulfills the qualifications of Representative of the Public for the board.

! Patricia Ryan, PO Box 815, Whitefish, MT 59937, was appointed to serve a term starting July 10, 2015 and ending May 1, 2019. Ryan fulfills the qualifications of Massage Therapist for the board.

! Tamara Leach, 128 South L Street, Livingston, MT 59047, was appointed to serve a term starting September 16, 2016 and ending May 1, 2020. Leach fulfills the qualifications of Massage Therapist for the board.

Medical Examiners, Board of (BOME)
MCA 2-15-1731

! Dr. James Burkholder, 3960 Eagle Flats Road, Helena, MT 59602, was reappointed to serve a term starting January 29, 2016 and ending September 1, 2019. Burkholder fulfills the qualifications of Doctor of Medicine (MD) for the board.

! Dr. James Feist, 60 Hitching Post Road, Bozeman, MT 59715, was reappointed to serve a term starting September 16, 2016 and ending September 1, 2020. Feist fulfills the qualifications of Doctor of Medicine (MD) for the board.

! Dr. James Upchurch, HC 36, PO Box 2010, Hardin, MT 59034, was reappointed to serve a term starting January 29, 2016 and ending September 1, 2019. Upchurch fulfills the qualifications of Doctor of Medicine (MD) with experience in emergency medicine for the board.

! Tammy Scott, 139 Bridger Court, Missoula, MT 59803, was appointed to serve a term starting August 19, 2016 and ending September 1, 2017. Scott fulfills the qualifications of Licensed Physician's Assistant for the board.

! Tanja Brekke, 300 N. Willson, Suite 3002, Bozeman, MT 59715, was reappointed to serve a term starting January 29, 2016 and ending September 1, 2019. Brekke fulfills the qualifications of Licensed Accupuncturist for the board.

Milk Control, Board of
MCA 2-15-3105

! Brian Beerman, 341 9th Lane NE, Fairfield, MT 59436, was appointed to serve a term starting February 26, 2016 and ending January 1, 2017. Beerman fulfills the qualifications of Member - Republican for the board.

! Jerry Weissman, 2777 Greenbriar Drive, Great Falls, MT 59404, was reappointed to serve a term starting February 26, 2016 and ending January 1, 2019. Weissman fulfills the qualifications of Member - Republican for the board.

! W. Scott Mitchell, 401 North 31st Street, Suite 1500, Billings, MT 59101, was re/appointed to serve a term starting February 26, 2016 and ending January 1, 2019. Mitchell fulfills the qualifications of Chairperson - Attorney - Democrat for the board.

Nursing Home Administrators, Board of
MCA 2-15-1735

! Jim Corson, 410 15th St W #8, Billings, MT 59102, was re/appointed to serve a term starting May 28, 2016 and ending June 1, 2021. Corson fulfills the qualifications of Senior Citizen (55 or Older) for the board.

Nursing, Board of (BON)
MCA 2-15-1734

! Joyce Dombrouski, 500 West Broadway, Missoula, MT 59808, was appointed to serve a term starting July 10, 2015 and ending July 1, 2019. Dombrouski fulfills the qualifications of Registered Nurse (RN) for the board.

! Laureli Scribner, 121 Quail Road, Roundup, MT 59072, was appointed to serve a term starting July 10, 2015 and ending July 1, 2019. Scribner fulfills the qualifications of Advanced Practice Registered Nurse (APRN) for the board.

! Sandy Sacry, PO Box 772, Whitehall, MT 59759, was appointed to serve a term starting September 16, 2016 and ending July 1, 2020. Sacry fulfills the qualifications of Registered Professional Nurse (RN), with experience in school of nursing for the board.

! Shari Brownback, 2953 Cottage Rd., East Helena, MT 59635, was reappointed to serve a term starting September 16, 2016 and ending July 1, 2020. Brownback fulfills the qualifications of Licensed Practical Nurse (LPN) for the board.

Occupational Therapy Practice, Board of
MCA 2-15-1749

! Heather MacMonegle, 14 North Delaware, Conrad, MT 59425, was appointed to serve a term starting January 29, 2016 and ending December 31, 2019. MacMonegle fulfills the qualifications of Occupational Therapist actively engaged in the practice or teaching of occupational therapy for the board.

Oil and Gas Conservation Board
MCA 2-15-3303

! Corey Welter, 100 N 27th Street, Suite 520, Billings, MT 59101, was appointed to serve a term starting September 2, 2016 and ending January 1, 2017. Welter fulfills the qualifications of Oil and Gas Industry Representative for the board.

Optometry, Board of
MCA 2-15-1736

! Doug Kimball, 4265 Fallon St, Ste. 1, Bozeman, MT 59718, was reappointed to serve a term starting May 22, 2015 and ending April 1, 2019. Kimball fulfills the qualifications of Registered Optometrist for the board.

! Randall Hoch, 206 Fox Farm Road, Lewistown, MT 59457, was reappointed to serve a term starting May 13, 2016 and ending April 1, 2020. Hoch fulfills the qualifications of Registered Optometrist for the board.

Outfitters, Board of
MCA 2-15-1773

! Rob Arnaud, 412 Pronghorn Trail, Ste A, Bozeman, MT 59718, was appointed to serve a term starting January 29, 2016 and ending October 1, 2018. Arnaud fulfills the qualifications of Outfitter licensed to provide fishing and hunting services for the board.

! Robin Cunningham, PO Box 311, Gallatin Gateway, MT 59730, was reappointed to serve a term starting January 29, 2016 and ending October 1, 2018. Cunningham fulfills the qualifications of Outfitter licensed to provide fishing services but not hunting services for the board.

Pardons and Parole, Board of
MCA 2-15-2302

! Patricia Iron Cloud, PO Box 336, Poplar, MT 59255, was appointed to serve a term starting May 1, 2016 and ending January 1, 2018. Iron Cloud fulfills the qualifications of Enrolled Member of Montana Tribe for the board.

Personnel Appeals, Board of (BOPA)
MCA 2-15-1705

! Anne MacIntyre, 2950 Spokane Creek Road, East Helena, MT 59635, was appointed to serve a term starting April 8, 2016 and ending January 1, 2020. MacIntyre fulfills the qualifications of Attorney - Labor-Management Experience (Chairperson) for the board.

! Dave Severson, 2417 42nd Street, Missoula, MT 59803, was appointed to serve a term starting August 19, 2016 and ending January 1, 2019. Severson fulfills the qualifications of Alternative member who is a full-time employee or elected official of a labor union or association for the board.

! Jim Soumas, PO Box 50969, Billings, MT 59105, was appointed to serve a term starting April 8, 2016 and ending January 1, 2017. Soumas fulfills the qualifications of Member who is a full-time employee or elected official of a labor union or recognized association for the board.

Pharmacy, Board of
MCA 2-15-1733

! Mike Bertagnolli, 2 Tartan Street, Three Forks, MT 59752, was appointed to serve a term starting July 10, 2015 and ending July 1, 2020. Bertagnolli fulfills the qualifications of Licensed Pharmacist for the board.

! Tony King, 215 Katy Court, Helena, MT 59602, was appointed to serve a term starting October 14, 2016 and ending July 1, 2021. King fulfills the qualifications of Licensed Pharmacist for the board.

Physical Therapy Examiners, Board of
MCA 2-15-1748

! Dawn Christian, 316 W. Spruce, Missoula, MT 59802, was appointed to serve a term starting September 4, 2015 and ending July 1, 2018. Christian fulfills the qualifications of Physical Therapist for the board.

! Jennifer Lorengo, 256 Skyview Lane, Deer Lodge, MT 59722, was appointed to serve a term starting November 18, 2016 and ending July 1, 2019. Lorengo fulfills the qualifications of Physical Therapist for the board.

! Kelsey Wadsworth, 1532 Ellis Street, Suite 201, Bozeman, MT 59715, was appointed to serve a term starting September 4, 2015 and ending July 1, 2018. Wadsworth fulfills the qualifications of Physical Therapist for the board.

! Pat Goodover, PO Box 1725, Great Falls, MT 59403, was appointed to serve a term starting January 6, 2017 and ending July 1, 2018. Goodover fulfills the qualifications of Member of the general public who is not a physician or a physical therapist for the board.

Plumbers, Board of
MCA 2-15-1765

! Debi Friede, 322 20th St, Havre, MT 59501, was reappointed to serve a term starting August 7, 2015 and ending May 1, 2019. Friede fulfills the qualifications of Representative

of the public, not engaged in the business of installing or selling plumbing equip. for the board.

! Denver Fraser, 6 Owl Hoot Ridge, Clancy, MT 59634, was reappointed to serve a term starting August 7, 2015 and ending May 1, 2019. Fraser fulfills the qualifications of Department of Environmental Quality Representative for the board.

! Scott Lemert, PO Box 1641, Livingston, MT 59047, was reappointed to serve a term starting August 7, 2015 and ending May 1, 2019. Lemert fulfills the qualifications of Master Plumber for the board.

! Steve Henry, 2540 Ranch Trail Road, Laurel, MT 59044, was appointed to serve a term starting August 21, 2015 and ending May 1, 2019. Henry fulfills the qualifications of Representative of the public, not engaged in the business of installing or selling plumbing equip. for the board.

! Steve Carey, PO Box 326, Frenchtown, MT 59834, was reappointed to serve a term starting August 7, 2015 and ending May 1, 2019. Carey fulfills the qualifications of Journeyman Plumber for the board.

Private Security, Board of
MCA 2-15-1781

! Charles Pesola, 112 3rd Street East, Kalispell, MT 59901, was reappointed to serve a term starting March 25, 2016 and ending August 1, 2018. Pesola fulfills the qualifications of Contract Security Company or Propriety Security Organization for the board.

! Dirk Bauwens, 2436 Glengarry Lane, Billings, MT 59101, was reappointed to serve a term starting September 16, 2016 and ending August 1, 2019. Bauwens fulfills the qualifications of Electronic Security Company for the board.

! Mark Guy, 1684 Beartooth Drive, Laurel, MT 59044, was appointed to serve a term starting April 8, 2016 and ending August 1, 2018. Guy fulfills the qualifications of City Police Department for the board.

! Tom Mangan, PO Box 4568, Helena, MT 59604, was reappointed to serve a term starting March 25, 2016 and ending August 1, 2018. Mangan fulfills the qualifications of Licensed private investigator or a registered process server for the board.

! Wynn Meehan, 519 Broadway, Townsend, MT 59644, was appointed to serve a term starting March 25, 2016 and ending August 1, 2018. Meehan fulfills the qualifications of County Sheriff's Office for the board.

Psychologists, Board of
MCA 2-15-1741

! Becky Bird, 117 Ardmore Drive, Billings, MT 59102, was appointed to serve a term starting March 18, 2016 and ending September 1, 2020. Bird fulfills the qualifications of Member of the general public for the board.

! Dr. Loretta Bolyard, 125 West Granite Street, Suite 207, Butte, MT 59701, was appointed to serve a term starting September 2, 2016 and ending September 1, 2021. Bolyard fulfills the qualifications of Licensed psychologist in public health for the board.

Public Employees Retirement System Board (PERS)
MCA 2-15-1009

! Julie McKenna, Armory, Helena, MT 59601, was appointed to serve a term starting July 31, 2015 and ending April 1, 2017. McKenna fulfills the qualifications of Public Employee, Active Member of Public Retirement System for the board.

! Marty Tuttle, 18 Bull Elk Blvd., Clancy, MT 59634, was appointed to serve a term starting July 31, 2015 and ending April 1, 2019. Tuttle fulfills the qualifications of Active Member of Public Retirement System, Defined Contribution Plan for the board.

! Pepper Valdez, 2220 Quinnhaven Drive, Billings, MT 59102, was appointed to serve a term starting July 31, 2015 and ending April 1, 2020. Valdez fulfills the qualifications of Public Employee, Active Member of Public Retirement System for the board.

! Timm Twardoski, 100 N PARK STE 200, Helena, MT 59620-0131, was reappointed to serve a term starting April 22, 2016 and ending April 1, 2021. Twardoski fulfills the qualifications of Member At-Large for the board.

Public Safety Officer Standards and Training Council (POST)
MCA 44-4-402

! Timothy Neiter, 3165 King Ave East, Billings, MT 59101, was appointed to serve a term starting September 2, 2016 and ending January 1, 2017. Neiter fulfills the qualifications of Detention Center Administrator or Detention Officer for the board.

Radiologic Technologists, Board of
MCA 2-15-1738

! Barbara Anderson, PO Box 672, Culbertson, MT 59218, was appointed to serve a term starting August 19, 2016 and ending July 1, 2017. Anderson fulfills the qualifications of Radiologic Technologist, Permit Holder for the board.

! Abe Abramson, PO Box 8807 Hellgate Station, Missoula, MT 59807, was appointed to serve a term starting May 8, 2015 and ending July 1, 2017. Abramson fulfills the qualifications of Public Member for the board.

! Daniel Funsch, PO Box 7613, Missoula, MT 59807, was appointed to serve a term starting January 15, 2016 and ending July 1, 2018. Funsch fulfills the qualifications of Licensed Radiologic Technologist for the board.

! Mike Nielsen, 3732 Avenue F, Billings, MT 59102, was reappointed to serve a term starting July 1, 2016 and ending July 1, 2019. Nielsen fulfills the qualifications of Radiologic Assistant or Radiology Practitioner Assistant for the board.

! Robin Johnson, 550 Tenderfoot Trail, Dillon, MT 59725, was appointed to serve a term starting January 15, 2016 and ending July 1, 2018. Johnson fulfills the qualifications of Licensed Radiologic Technologist for the board.

Real Estate Appraisers, Board of
MCA 2-15-1758

! Ed Schoenen, 3400 Huckleberry Drive, Great Falls, MT 59404, was appointed to serve a term starting July 10, 2015 and ending May 1, 2018. Schoenen fulfills the qualifications of Representative of the Public for the board.

! George Luther, PO Box 1745, Miles City, MT 59301, was reappointed to serve a term starting June 3, 2016 and ending May 1, 2019. Luther fulfills the qualifications of licensed or certified real estate appraiser for the board.

! Myles Link, 303 E Kent Avenue, Missoula, MT 59801, was appointed to serve a term starting October 14, 2016 and ending May 1, 2019. Link fulfills the qualifications of Representative of the public who is not engaged in the occupation of real estate appraisal for the board.

! Pete Fontana, 1120 24th Ave SW, Great Falls, MT 59405, was reappointed to serve a term starting June 3, 2016 and ending May 1, 2019. Fontana fulfills the qualifications of licensed or certified real estate appraiser for the board.

! Tim McGinnis, 36527 Terrace Court, Polson, MT 59860, was appointed to serve a term starting July 10, 2015 and ending May 1, 2018. McGinnis fulfills the qualifications of licensed or certified real estate appraiser for the board.

Realty Regulation, Board of
MCA 2-15-1757

! Cindy Lanier, PO Box 776, Lakeside, MT 59922, was appointed to serve a term starting July 24, 2015 and ending May 1, 2019. Lanier fulfills the qualifications of Licensed real

estate broker, salespeople or property manager for the board.

! Dan Wagner, 3133 Cental Ave. Ste. 1, Billings, MT 59102, was appointed to serve a term starting July 24, 2015 and ending May 1, 2019. Wagner fulfills the qualifications of Licensed real estate broker, salespeople or property manager for the board.

! Eric Ossorio, 55 Lone Peak Drive, Suite 3, Big Sky, MT 59716, was appointed to serve a term starting July 24, 2015 and ending May 1, 2019. Ossorio fulfills the qualifications of Licensed real estate broker, salespeople or property manager for the board.

! Josh Peck, PO Box 696, Butte, MT 59703, was appointed to serve a term starting July 24, 2015 and ending May 1, 2019. Peck fulfills the qualifications of Public Representative for the board.

Regents of Higher Education, Board of
MCA 2-15-1508

! Casey Lozar, 2119 Gold Rush Avenue, Helena, MT 59601, was appointed to serve a term starting December 18, 2015 and ending February 1, 2018. Lozar fulfills the qualifications of District 2 - Democrat for the board.

! Levi Birky, 285 Hemler Ck Dr, Kalispell, MT 59901, was appointed to serve a term starting July 1, 2016 and ending June 30, 2017. Birky fulfills the qualifications of Student Regent for the board.

! Bob Nystuen, 315 Conrad Point Rd, Lakeside, MT 59922, was appointed to serve a term starting July 24, 2015 and ending February 1, 2022. Nystuen fulfills the qualifications of District 1 - Independent for the board.

Sanitarians, Board of
MCA 2-15-1751

! Megan Bullock, PO Box 364, Boulder, MT 59632, was appointed to serve a term starting January 29, 2016 and ending July 1, 2018. Bullock fulfills the qualifications of Registered Sanitarian for the board.

! Stephanie Ler, 1201 W. Holly, Ste. 1, Sidney, MT 59270, was appointed to serve a term starting July 1, 2016 and ending July 1, 2019. Ler fulfills the qualifications of Registered Sanitarian for the board.

Speech-Language Pathologists and Audiologists, Board of
MCA 2-15-1739

! Leah Jacobsen, 632 Skyline Drive NE, Great Falls, MT 59404, was appointed to serve a term starting October 16, 2015 and ending December 31, 2017. Jacobsen fulfills the

qualifications of Audiologist for the board.

! Tina Berg, 625 NE Main St. Ste #1, Lewistown, MT 59457, was appointed to serve a term starting August 7, 2015 and ending December 31, 2017. Berg fulfills the qualifications of Audiologist for the board.

! Lucy Hart Paulson, 5283 Haugan Drive, Missoula, MT 59803, was reappointed to serve a term starting January 6, 2017 and ending December 31, 2019. Hart Paulson fulfills the qualifications of Speech-Language Pathologist for the board.

! Rachel Stansberry, 906 W. Boulevard St., Lewistown, MT 59457, was appointed to serve a term starting January 6, 2017 and ending December 31, 2019. Stansberry fulfills the qualifications of Speech-Language Pathologist for the board.

! Richard Turner, PO Box 1327, Big Timber, MT 59011, was reappointed to serve a term starting January 6, 2017 and ending December 31, 2019. Turner fulfills the qualifications of Public member who is a consumer of speech-language pathology or audiology services for the board.

State Compensation Insurance Fund Board of Directors (Montana State Fund)
MCA 2-15-1019

! Jack Owens, 1722 Peggio Lane #3, Missoula, MT 59801, was appointed to serve a term starting November 13, 2015 and ending May 1, 2019. Owens fulfills the qualifications of Policy Holder - Business/Private Enterprise for the board.

! Jan VanRiper, 920 University St, Helena, MT 59601, was appointed to serve a term starting August 7, 2015 and ending May 1, 2019. VanRiper fulfills the qualifications of Policy Holder - Business/Private Enterprise for the board.

! Matt Mohr, 150 Spruce Cone Dr. #52, Big Sky, MT 59716, was appointed to serve a term starting October 16, 2015 and ending May 1, 2019. Mohr fulfills the qualifications of Business/Private Enterprise for the board.

Tax Appeal Board, Montana (MTAB)
MCA 15-2-101

! Valerie Balukas, 5540 Keir Lane, Helena, MT 59602, was reappointed to serve a term starting January 1, 2017 and ending January 1, 2023. Balukas fulfills the qualifications of Public Representative for the board.

Veterans' Affairs, Board of
MCA 2-15-1205

! David Boyd, PO Box 1239, Poplar, MT 59255, was reappointed to serve a term starting

August 1, 2015 and ending August 1, 2019. Boyd fulfills the qualifications of Tribal member, honorably discharged veteran for the board.

! Gary Sorensen, 3023 Martinwood Rd, Missoula, MT 59802, was reappointed to serve a term starting August 1, 2015 and ending August 1, 2019. Sorensen fulfills the qualifications of Training, Education, or Experience related to veterans' issues for the board.

! Peter Olson, PO Box 729, Culbertson, MT 59218, was reappointed to serve a term starting September 16, 2016 and ending August 1, 2020. Olson fulfills the qualifications of Region 5 Veteran for the board.

! Dick Juvik, 418 Latigo Lane, Helena, MT 59602, was reappointed to serve a term starting August 1, 2015 and ending August 1, 2019. Juvik fulfills the qualifications of Honorably discharged veteran who serves as a representative of veterans at large for the board.

! Shawn Backbone, PO Box 159, Crow Agency, MT 59022, was reappointed to serve a term starting August 1, 2015 and ending August 1, 2019. Backbone fulfills the qualifications of Tribal Government Representative for the board.

! Bill Willing, 300 Hemlock St, Anaconda, MT 59711, was reappointed to serve a term starting August 1, 2015 and ending August 1, 2019. Willing fulfills the qualifications of Training, Education, or Experience related to veterans' issues for the board.

Veterinary Medicine, Board of
MCA 2-15-1742

! Dr. Jean Lindley, E. Main Animal Clinic, 2719 Main, Miles City, MT 59301, was appointed to serve a term starting July 31, 2015 and ending August 1, 2020. Lindley fulfills the qualifications of Licensed Veterinarian for the board.

! Kim Baker, 99 Baker Rd, Hot Springs, MT 59845, was reappointed to serve a term starting July 31, 2015 and ending August 1, 2020. Baker fulfills the qualifications of Public member who is a consumer of veterinary services, not licensed by any board for the board.

! Dr. Rebecca Mattix, 6941 Bristol Lane, Bozeman, MT 59715, was reappointed to serve a term starting September 16, 2016 and ending August 1, 2021. Mattix fulfills the qualifications of Licensed Veterinarian for the board.

Water Well Contractors, Board of
MCA 2-15-3307

! Kevin Haggerty, Haggerty Drilling, 4940 Stucky Road, Bozeman, MT 59715, was reappointed to serve a term starting July 10, 2015 and ending July 1, 2018. Haggerty fulfills the qualifications of Water Well Contractor for the board.

! Pat Byrne, 245 Gerber Road, Great Falls, MT 59405, was reappointed to serve a term starting August 19, 2016 and ending July 1, 2019. Byrne fulfills the qualifications of Water Well Contractor for the board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/12/2017

HB 25, introduced by Lynch
HB 113, introduced by Greef
HB 138, introduced by Fern
HB 141, introduced by Lynch

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 118, introduced by M. McNally, J. Essmann, N. Swandal, referred to Fish and Game.
SB 119, introduced by J. Hinkle, B. Brown, Z. Brown, V. Court, T. Facey, K. Flynn, T. Jacobson, D. Kary, B. Smith, C. Smith, B. Tschida, C. Vincent, J. Welborn, referred to Fish and Game.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 5, introduced by M. Phillips, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 25, introduced by R. Lynch (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 113, introduced by E. Greef (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.

HB 138, introduced by D. Fern (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 141, introduced by R. Lynch (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 8 - Senator Facey moved **SB 8** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moe, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Olszewski.
Total 1

Absent or not voting: None.
Total 0

Excused: McNally, Osmundson.
Total 2

SB 19 - Senator Kary moved **SB 19** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moe, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McNally, Osmundson.
Total 2

SB 13 - Senator Fitzpatrick moved **SB 13** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moe, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Caferro, Tempel, Thomas.
Total 3

Absent or not voting: None.
Total 0

Excused: McNally, Osmundson.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moe, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McNally, Osmundson.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 1 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 36

Nays: Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, Moe, Pomnichowski, Sesso, Smith F, Vuckovich, Whitford.
Total 12

Absent or not voting: None.
Total 0

Excused: McNally, Osmundson.
Total 2

MOTIONS

Majority Leader Thomas moved that **SB 37** be taken from the Energy and Telecommunications Committee and re-referred to the Natural Resources Committee.

Without objection, so ordered.

ANNOUNCEMENTS

Senator Blasdel thanked the Pages for their service this week.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, January 16, 2017, the 11th legislative day. Motion carried.

Senate adjourned at 1:20 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 16, 2017 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused.

BILLS AND JOURNALS (Keenan, Chair): 1/16/2017
Correctly printed: **SB 8**, **SB 13**, **SB 19**, **SB 41**, **SB 52**, **SB 54**, **SB 81**, **SB 84**, **SB 118**, **SB 119, SJ 5**.
Correctly enrolled: **SR 1, SR 2**.
Correctly examined: **SR 2**.
Transmitted to the House: **SJ 1**.
Signed by the Secretary of the Senate at 1:55 p.m., January 16, 2017: **SR 2**.
Signed by the Secretary of the Senate at 3:00 p.m., January 16, 2017: **SR 1**.

SPECIAL ORDERS OF THE DAY

Senator Thomas reminded Senate members that today's Martin Luther King holiday marks the 50th anniversary of Martin Luther King's speech at the Riverside Baptist Church, which included the text "Our lives begin to end the day we become silent about the things that matter."

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 1/13/2017
SB 22, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "RELATIONSHIP;"
Insert: "PROVIDING THAT THE OBLIGATION TO PAY CHILD SUPPORT IS NOT RELIEVED BY THE TERMINATION OF PARENTAL RIGHTS;"

2. Page 1, line 21.
Following: "incest"
Strike: ", as" through "part 5,"

3. Page 2, line 2.
Following: "except"
Insert: ": (i) "

4. Page 2, line 2.
Following: "parent"
Insert: "; and
(ii) that nothing in this section may be construed to relieve the parent whose rights are terminated as provided in [sections 1 through 3] of any child support obligations as provided in Title 40, chapters 4 and 5"
And, as amended, do pass.

SB 26, introduced bill, be amended as follows:

1. Page 2, line 10 through line 11.
Following: "offender"
Strike: "in the course of committing sexual intercourse without consent"

2. Page 5, line 18.
Strike: "46-5-503(1), (3), or (4)"
Insert: "45-5-503(1), (3), or (4)"

And, as amended, do pass.

SB 29, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Following: ""CONSENT";"
Strike: remainder of line 7 through "CRIMES;" on line 8

2. Title, page 1, line 9.
Strike: "AND"

3. Page 1, line 10.
Following: "46-18-222,"
Insert: "AND 46-23-502,"

4. Page 1, line 21 through page 11, line 2.
Strike: section 2 in its entirety
Renumber: subsequent sections

5. Page 13, line 22 through line 23.
Following: "committing"
Strike: remainder of line 22 through "consent" on line 23
Insert: "a violation of this section"

6. Page 16, line 25.
Following: line 25

Insert: "Section 6. Section 46-23-502, MCA, is amended to read:

"46-23-502 Definitions. As used in 46-18-255 and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(3) "Municipality" means an entity that has incorporated as a city or town.

(4) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(5) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(6) "Registration agency" means:

(a) if the offender resides in a municipality, the police department of that municipality; or

(b) if the offender resides in a place other than a municipality, the sheriff's office of the county in which the offender resides.

(7) (a) "Residence" means the location at which a person regularly resides, regardless of the number of days or nights spent at that location, that can be located by a street address, including a house, apartment building, motel, hotel, or recreational or other vehicle.

(b) The term does not mean a homeless shelter.

(8) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct psychosexual evaluations of sexual offenders and sexually violent predators.

(9) "Sexual offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-301 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-302 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-303 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-502 (if the offender is a professional licensed under Title 37 and commits the offense during any treatment, consultation, interview, or evaluation of a person's physical or mental condition, ailment, disease, or injury), 45-5-502(3) (if the victim is less than 16 years of age and the offender is 3 or more years older than the victim), 45-5-503, 45-5-504(2)(c), 45-5-504(3) (if the victim is less than 16 years of age and the offender is 4 or more years older than the victim), 45-5-507 (if the victim is less than 18 years of age and the offender is 3 or more years older than the victim or if the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense), [section 1], 45-5-601(3), 45-5-602(3), 45-5-603(1)(b) or (2)(b), 45-5-625, 45-5-704, or 45-5-705; or

(b) any violation of a law of another state, a tribal government, or the federal government that is reasonably equivalent to a violation listed in subsection (9)(a) or for which the offender was required to register as a sexual offender after an adjudication or conviction.

(10) "Sexual or violent offender" means a person who has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual or violent offense.

(11) "Sexually violent predator" means a person who:

(a) has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses; or

(b) has been convicted of a sexual offense against a victim 12 years of age or younger and the offender is 18 years of age or older.

(12) "Transient" means an offender who has no residence.

(13) "Violent offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-102, 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense), 45-5-210(1)(b), (1)(c), or (1)(d), 45-5-212, 45-5-213, 45-5-302 (if the victim is not a minor), 45-5-303 (if the victim is not a minor), 45-5-401, 45-6-
103, or 45-9-132; or

(b) any violation of a law of another state, a tribal government, or the federal government reasonably equivalent to a violation listed in subsection (13)(a).""

And, as amended, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/13/2017

HB 3, introduced by N. Ballance
HB 16, introduced by V. Ricci
HB 37, introduced by J. Windy Boy
HB 59, introduced by K. Dudik
HB 65, introduced by K. Holmlund
HB 87, introduced by K. Swanson
HB 135, introduced by K. Dudik

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committee:

SB 120, introduced by N. Swandal, W. Curdy, D. Sands, referred to Business, Labor, and Economic Affairs.
SB 121, introduced by E. Buttrey, D. Fern, L. Jones, D. Salomon, referred to State Administration.
SB 122, introduced by M. MacDonald, referred to Judiciary.
SB 123, introduced by N. Swandal, E. Buttrey, C. Knudsen, S. Morigeau, referred to Judiciary.
SB 124, introduced by E. McClafferty, J. Cohenour, A. Curtis, M. Dunwell, S. Malek, D. Sands, G. Vuckovich, C. Wolken, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 3, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 16, introduced by V. Ricci (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 37, introduced by J. Windy Boy (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.
HB 59, introduced by K. Dudik (by request of the Task Force on State Public Defender Operations), referred to Judiciary.
HB 65, introduced by K. Holmlund (by request of the Task Force on State Public Defender Operations), referred to Judiciary.
HB 87, introduced by K. Swanson (by request of the Office of the Court Administrator and the Secretary of State), referred to Judiciary.
HB 135, introduced by K. Dudik (by request of the Department of Corrections), referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 77 - Senator Swandal moved **SB 77** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 25 - Senator Blasdel moved **SB 25** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 68 - Senator Barrett moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 30 - Senator Sands moved **SB 30** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Connell, Hinebauch, Hoven, Lang, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 17 - Senator Swandal moved **SB 17** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 8 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Keenan, Olszewski.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 13 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 19 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald,

Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

UNFINISHED BUSINESS

Mr. President, I move the following name be **ADDED** as sponsor to **SB 69** (M. Moe, Chief Sponsor) : Senator Facey.

Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel introduced the Pages for the coming week:

Arianna Bennett from Ryegate, sponsored by Senator Webb
Joanie Sjostrom from Malta, sponsored by Senator Lang
Colby Stearns from Billings, sponsored by Senator Richmond

ANNOUNCEMENTS

Senator Jon Tester, U. S. Senator representing Montana, entered the Senate chamber and was welcomed by Senate members.

Senator Whitford announced the American Indian Caucus will be meeting throughout the session on Tuesdays at 12:00 p.m. in Room 335.

Majority Leader Thomas announced the Republicans will caucus tomorrow in room 317 upon adjournment. There will be a surprise speaker and Democrats are welcome.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, January 17,

2017, the 12th legislative day. Motion carried.

Senate adjourned at 1:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWELFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 17, 2017 — State Capitol

Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Buttrey. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused.

BILLS AND JOURNALS (Keenan, Chair): 1/17/2017
Correctly printed: **SB 17**, **SB 25**, **SB 30**, **SB 68**, **SB 77**, **SB 122**.
Correctly engrossed: **SB 22**, **SB 26**, **SB 29**.
Transmitted to the House: **SB 8**, **SB 13**, **SB 19**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 1/16/2017
SB 15, do pass.
SB 24, do pass.
SB 46, do pass.

STATE ADMINISTRATION (Brown, Chair): 1/16/2017
SB 3, do pass.
SB 16, introduced bill, be amended as follows:

1. Page 2, line 8 through line 19.
Strike: section 3 through section 4 in their entirety
Renumber: subsequent section

And, as amended, do pass.

SB 40, do pass.
SB 43, introduced bill, be amended as follows:

1. Page 3, line 6.
Following: "updated"
Strike: "each biennium"

2. Page 3, line 10 through line 11.
Strike: subsection (e) in its entirety
Renumber: subsequent subsections

3. Page 3, line 14.
Following: "legislative"
Strike: "fiscal analyst"
Insert: "finance committee"

And, as amended, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/16/2017

HB 38, introduced by W. Curdy
HB 184, introduced by F. Garner
HB 197, introduced by T. Jacobson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 125, introduced by R. Webb, referred to Taxation.
SB 126, introduced by K. Regier, referred to Taxation.
SB 127, introduced by M. Moe, J. Sesso, referred to State Administration.
SB 128, introduced by D. Salomon, E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 38, introduced by W. Curdy (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 184, introduced by F. Garner, K. Wagoner, M. Ryan, V. Ricci, A. Olszewski, D. Kary, S. Malek, C. Wolken, referred to Judiciary.
HB 197, introduced by T. Jacobson, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 62 - Senator Wolken moved **SB 62** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Regier.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 4 - Senator Sands moved **SB 4** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 84 - Senator Hinebauch moved **SB 84** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 54 - Senator Gross moved **SB 54** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Blasdel, Brown, Hinebauch, Kary, Smith C, Vance, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

Senator Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 17 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 25 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 30 passed as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Connell, Hinebauch, Hoven, Keenan, Lang, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 68 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 77 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas announced there would be a Republican caucus immediately following adjournment in room 317. All members of the Senate are invited to hear the guest speaker.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, January 18, 2017, the 13th legislative day. Motion carried.

Senate adjourned at 1:31 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 18, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinebauch. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Fielder, Fitzpatrick and McNally excused.

BILLS AND JOURNALS (Keenan, Chair): 1/18/2017

Correctly printed: **SB 3**, **SB 4**, **SB 15**, **SB 24**, **SB 40**, **SB 46**, **SB 54**, **SB 62**, **SB 84**, **SB 120**, **SB 121**, **SB 123**, **SB 124, SB 125, SB 126, SB 127, SB 128**.
Correctly engrossed: **SB 16, SB 33, SB 43, SB 90**.
Examined by the sponsor and found to be correct: **SR 1**.
Transmitted to the House: **SB 17**, **SB 25**, **SB 30**, **SB 68**, **SB 77**.
Signed by the President at 2:30 p.m., January 17, 2017: **SR 1**, **SR 2**.
Delivered to the Secretary of State at 2:30 p.m., January 18, 2017: **SR 1**, **SR 2**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 1/17/2017
HB 1, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/17/2017
SB 33, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "EXEMPTING"
Strike: "CERTAIN ACTIVITIES RELATED TO STATE-OWNED"

2. Page 1, line 25.
Strike: "the installation, removal, alteration, or repair of"

3. Page 1, line 26.
Following: "devices"
Strike: "owned or operated by the state"

4. Page 1, line 28.
Following: "buildings"
Strike: ", "
Insert: "and"

Following: "equipment"
Strike: ", and activities"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/17/2017
SB 90, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "REVOKED;"
Insert: "ALLOWING A COURT TO SUSPEND OR DEFER PENALTIES;"

2. Page 2, line 25.
Strike: subsection (6) in its entirety

And, as amended, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/17/2017

HB 39, introduced by J. Bachmeier
HB 40, introduced by K. Abbott
HB 42, introduced by K. Abbott
HB 63, introduced by J. Hamilton
HB 67, introduced by M. Ryan
HB 74, introduced by G. Hertz
HB 102, introduced by J. Karjala
HB 111, introduced by R. Lynch
HB 150, introduced by K. White

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 130, introduced by D. Barrett, referred to Taxation.

The following Senate bill was introduced, and read first time:

SB 129, introduced by M. Caferro.

The following House bills were introduced, read first time, and referred to committees:

HB 39, introduced by J. Bachmeier (by request of the Department of Military Affairs), referred to State Administration.
HB 40, introduced by K. Abbott (by request of the Department of Military Affairs), referred to State Administration.
HB 42, introduced by K. Abbott (by request of the Department of Revenue), referred to Taxation.
HB 63, introduced by J. Hamilton (by request of the Department of Revenue), referred to Taxation.
HB 67, introduced by M. Ryan (by request of the Teachers' Retirement Board), referred to State Administration.
HB 74, introduced by G. Hertz (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 102, introduced by J. Karjala (by request of the Department of Administration), referred to State Administration.
HB 111, introduced by R. Lynch (by request of the Department of Public Health and Human Services), referred to Judiciary.
HB 150, introduced by K. White, referred to Fish and Game.

Senator McNally joined the Senate at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Whitford in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 28 - Senator Vincent moved **SB 28** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 34

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, McNally, Moe, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford.
Total 14

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 52 - Senator Cohenour moved **SB 52** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Brown, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 81 - Senator Swandal moved **SB 81** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 46

Nays: Moore, Welborn.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 22 - Senator Malek moved **SB 22** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas,

Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 29 - Senator Sands moved **SB 29** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 26 - Senator Malek moved **SB 26** do pass. Motion carried as follows:

Yeas: Barrett, Blasdel, Caferro, Cohenour, Connell, Facey, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 36

Nays: Ankney, Brown, Buttrey, Gauthier, Hinebauch, Hinkle, Howard, Osmundson, Regier, Smith C, Webb, Welborn.
Total 12

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Whitford moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 54 passed as follows:

Yeas: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 41

Nays: Blasdel, Brown, Hinebauch, Smith C, Vance, Webb, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 62 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Regier.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

SB 84 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent,

Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder, Fitzpatrick.
Total 2

MOTIONS

Majority Leader Thomas moved that **SB 124** be taken from the State Administration Committee and re-referred to the Education and Cultural Resources Committee.

Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 19, 2017, the 14th legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FOURTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 19, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Moore. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present, Senators Buttrey, Fielder, Fitzpatrick, and Small, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/19/2017

Correctly printed: **SB 22**, **SB 26**, **SB 28**, **SB 29**, **SB 52**, **SB 81**, **SB 130**, **HB 1**.
Transmitted to the House: **SB 4**, **SB 54**, **SB 62**, **SB 84**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/18/2017
SB 80, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "DENTISTS;"
Insert: "PROVIDING PRIORITY REQUIREMENTS FOR A LICENSED DENTIST'S STAFF; PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 11.
Following: "limitations"
Insert: "-- rules -- certified dental assistants"

3. Page 1, line 16 through line 17.
Strike: "The performance" on line 16 through "dentist." on line 17
Insert: "The board shall determine by rule procedures that may be performed only by certified dental assistants under the general supervision of a licensed dentist. The board shall determine by rule the qualifications accepted as proof of education and certification. All other intraoral tasks by dental auxiliaries must be performed under direct supervision of a licensed dentist."

4. Page 1, line 17.
Insert: "(2) If a licensed dentist has a licensed dental hygienist on staff, any procedure done under the general supervision of a dentist must be performed by the hygienist first. If a licensed dentist does not have a hygienist on staff or the hygienist is not available to perform a procedure under the general supervision of a dentist, procedures to be performed under

the general supervision of a dentist must be by the most experienced and qualified dental auxiliary present."
Renumber: subsequent subsections

And, as amended, do pass.

SB 89, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/18/2017
SB 14, do pass.

LOCAL GOVERNMENT (Webb, Chair): 1/18/2017
SB 2, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.
Following: line 23
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 34, do pass.
SB 39, do pass.
SB 79, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/18/2017
SB 83, introduced bill, be amended as follows:

1. Page 1, line 27.
Following: "dentist,"
Insert: "optometrist,"

And, as amended, do pass.

TAXATION (Blasdel, Chair): 1/19/2017
SB 85, introduced bill, be amended as follows:

1. Page 1, line 21.
Strike: "January 1, 2029"
Insert: "December 31, 2028"

And, as amended, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/18/2017

HB 18, introduced by T. Jacobson
HB 68, introduced by M. Ryan
HB 83, introduced by B. Bennett
HB 98, introduced by J. Ellis
HB 115, introduced by G. Kipp
HB 120, introduced by J. Bachmeier
HB 122, introduced by C. Schreiner
HB 159, introduced by R. Cook

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 131, introduced by F. Thomas, referred to State Administration.
SB 132, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 133, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 134, introduced by R. Tempel, M. Blasdel, T. Gauthier, K. Regier, T. Richmond, D. Salomon, F. Thomas, J. Welborn, referred to Highways and Transportation.

The following Senate bill, previously introduced, was referred to committee:

SB 129, introduced by M. Caferro, referred to Public Health, Welfare and Safety.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 3, introduced by G. Vance, referred to Highways and Transportation.
SR 4, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 5, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 6, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 18, introduced by T. Jacobson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 68, introduced by M. Ryan (by request of the Teachers' Retirement Board), referred to State

Administration.
HB 83, introduced by B. Bennett (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 98, introduced by J. Ellis (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 115, introduced by G. Kipp (by request of the Department of Revenue), referred to Taxation.
HB 120, introduced by J. Bachmeier (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 122, introduced by C. Schreiner (by request of the Board of Realty Regulation), referred to Business, Labor, and Economic Affairs.
HB 159, introduced by R. Cook, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 24 - Senator Welborn moved **SB 24** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 46 - Senator Vincent moved **SB 46** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier,

Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 3 - Senator Kary moved **SB 3** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 42

Nays: Hoven, Howard, Smith F, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 16 - Senator L. Jones moved **SB 16** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 40 - Senator Sesso moved **SB 40** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Connell, Facey, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Caferro, Cohenour, Gauthier, Hoven.
Total 4

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 26 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 34

Nays: Brown, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Osmundson, Regier, Smith C, Webb, Welborn.
Total 12

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 28 passed as follows:

Yeas: Ankney, Blasdel, Brown, Caferro, Connell, Facey, Gauthier, Hinebauch, Hinkle, Hoven,

Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Barrett, Cohenour, Gross, MacDonald, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 29 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 52 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Brown, Jones, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 81 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 44

Nays: Moore, Welborn.
Total 2

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 20, 2017, the 15th legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 20, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by President Sales. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Buttrey, Fielder and Small, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/20/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth, seventh, eighth, ninth, and tenth legislative days, find the same to be correct.

Correctly printed: **SB 3**, **SB 14**, **SB 16**, **SB 24**, **SB 34**, **SB 39**, **SB 40**, **SB 46**, **SB 79**, **SB 89**, **SB 129**, **SB 131**, **SB 132**, **SB 133**, **SB 134, SR 3, SR 4, SR 5, SR 6.**
Correctly engrossed: **SB 2**, **SB 80**, **SB 83**, **SB 85**.
Transmitted to the House: **SB 22**, **SB 26**, **SB 28**, **SB 29**, **SB 52**, **SB 81, HB 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Brown, Vice Chair): 1/19/2017
SB 72, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "AUTHORITY;"
Insert: "PROVIDING FOR TRANSFERS;"

2. Title, page 1, line 7.
Strike: "AN IMMEDIATE EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

3. Page 4, line 27.
Following: "must be deposited"
Insert: ", up to a maximum of $250,000 for each fiscal year,"

4. Page 5, line 14.
Following: line 13
Insert: "NEW SECTION. **Section 9. Transfer of funds.** (1) By July 15, 2017, and July 15, 2018, the state treasurer shall transfer $125,000 from the funds collected pursuant to 76-13-201 to the presumptive disease compensation account established in [section 5].

(2) By July 15, 2017, and July 15, 2018, the state treasurer shall transfer $125,000 from the

trust land administration account established in 77-1-108 to the presumptive disease compensation account established in [section 5]."
Renumber: subsequent sections

5. Page 5, line 21.
Strike: section 11 in its entirety
Insert: "NEW SECTION. **Section 12. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2017.
(2) [Section 8] is effective July 1, 2019."

And, as amended, do pass.

ENERGY AND TELECOMMUNICATIONS (Connell, Vice Chair): 1/19/2017
SB 7, do pass.
SB 11, do pass.
SB 32, do pass.
SB 36, do pass.
SB 101, do pass.
SJ 2, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/19/2017

HB 41, introduced by J. Keane
HB 43, introduced by D. Fern
HB 45, introduced by K. Dudik
HB 55, introduced by D. Loge
HB 105, introduced by F. Garner
HB 130, introduced by Z. Perry
HB 131, introduced by Z. Perry
HB 146, introduced by D. Zolnikov

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 135, introduced by E. McClafferty, M. Caferro, A. Curtis, S. Malek, G. Pierson, J. Price, G. Vuckovich, C. Wolken, referred to Education and Cultural Resources.
SB 136, introduced by T. Facey, referred to State Administration.

The following Senate bills were introduced and read first time:

SB 137, introduced by D. Ankney, F. Thomas.
SB 138, introduced by D. Ankney, F. Thomas.
SB 139, introduced by D. Ankney, J. Cohenour, V. Court, G. Custer, M. Dunwell, F. Garner, E. Greef, B. Harris, L. Jones, K. Kelker, E. McClafferty, T. Richmond, D. Salomon, R. Shaw, S. Stewart-Peregoy, P. Webb, J. Welborn, T. Welch.
SB 140, introduced by D. Ankney.
SB 141, introduced by S. Malek.
SB 142, introduced by T. Facey.

The following Senate joint resolution was introduced and read first time:

SJ 6, introduced by D. Ankney, F. Anderson, N. Ballance, D. Bartel, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, T. Burnett, P. Connell, G. Custer, A. Doane, R. Ehli, R. Fitzgerald, T. Gauthier, E. Greef, B. Grubbs, B. Harris, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, M. Hopkins, B. Hoven, D. Howard, D. Jones, J. Keane, C. Knudsen, D. Lenz, D. Loge, W. McKamey, F. Moore, D. Mortensen, M. Noland, J. O'Hara, A. Redfield, K. Regier, M. Regier, V. Ricci, R. Shaw, D. Skees, S. Staffanson, F. Thomas, J. Trebas, B. Tschida, B. Usher, C. Vincent, S. Vinton, K. Wagoner, K. White, D. Zolnikov.

The following House bills were introduced, read first time, and referred to committees:

HB 41, introduced by J. Keane (by request of the Department of Transportation), referred to Highways and Transportation.
HB 43, introduced by D. Fern (by request of the Department of Revenue), referred to Taxation.
HB 45, introduced by K. Dudik (by request of the Department of Justice), referred to Judiciary.
HB 55, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.
HB 105, introduced by F. Garner (by request of the Board of Physical Therapy Examiners), referred to Public Health, Welfare and Safety.
HB 130, introduced by Z. Perry (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 131, introduced by Z. Perry (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 146, introduced by D. Zolnikov, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinkle in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on

second reading, recommend as follows:

HB 1 - Senator L. Jones moved **HB 1** be concurred in.

HB 1 - Senator Facey moved **HB 1**, second reading copy, be amended as follows:

1. Page 1, line 15.
Strike: "$3,799,565"
Insert: "$3,765,715"

2. Page 1, line 16.
Strike: "$6,121,251"
Insert: "$6,095,101"

3. Page 1, line 17.
Strike: "$1,127,776"
Insert: "$965,776"

Amendment **failed** as follows:

Yeas: Barrett, Caferro, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Nays: Ankney, Blasdel, Brown, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

HB 1 - Thereupon, the Senate reverted to the original motion of Senator L. Jones which passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Connell, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, Moe, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 38

Nays: Caferro, Cohenour, Facey, Hinebauch, Malek, McNally, Pomnichowski, Sands, Vuckovich.
Total 9

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 41 - Senator Moore moved **SB 41** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 33 - Senator Hoven moved **SB 33** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 36

Nays: Barrett, Caferro, Cohenour, MacDonald, Malek, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 90 - Senator Swandal moved **SB 90** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Hinkle moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

MOTIONS

Majority Leader Thomas moved the Senate suspend Rules S40-40 and S50-190 to allow **HB 1** to be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick,

Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Connell, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, Moe, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Caferro, Cohenour, Facey, Hinebauch, Malek, McNally, Pomnichowski, Sands.
Total 8

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 3 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 44

Nays: Smith F, Vuckovich, Whitford.
Total 3

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 16 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 24 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 40 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Cohenour, Gauthier.
Total 2

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

SB 46 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Small.
Total 3

MOTIONS

Majority Leader Thomas moved that **SB 2** be taken from the second reading board and re-referred to the Judiciary Committee.

Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 23, 2017, the 16th legislative day. Motion carried.

Senate adjourned at 2:04 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 23, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinkle. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/23/2017

Correctly printed: **SB 7**, **SB 11**, **SB 32**, **SB 33**, **SB 36**, **SB 41**, **SB 90**, **SB 101**, **SB 135**, **SB 136**, **SJ 2**.
Correctly engrossed: **SB 72**.
Transmitted to the House: **SB 3**, **SB 16**, **SB 24**, **SB 40**, **SB 46**.

Senator Blasdel introduced the Pages for the coming week:
Grace Wyse from Townsend, sponsored by President Sales.
Sheridan Johnson from Conrad, sponsored by Senator Jones.
Benjamin Rayner from Highwood, sponsored by Senator Facey.
Darian Green from Billings, sponsored by Senator Richmond.

MESSAGES FROM THE GOVERNOR

January 20, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following judicial appointment:

5th Judicial District
MCA 3-1-1010

! Judge Luke Michael Berger, 2217 5th Avenue, Helena, MT 59601.

I have included the appointee's application packet as received by the Judicial Nominations

Commission.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at extension 4405 or by email at sotterstrom@mt.gov. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/20/2017

HB 80, introduced by W. Curdy
HB 91, introduced by G. Pierson
HB 191, introduced by S. Berglee
HB 221, introduced by D. Jones

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 7, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 8, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 9, introduced by M. Blasdel, referred to Taxation.
SR 10, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 11, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 12, introduced by M. Blasdel, referred to Taxation.
SR 13, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 14, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 15, introduced by R. Webb, referred to Local Government.
SR 16, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 17, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate bills, previously introduced, were referred to committees:

SB 137, introduced by D. Ankney, F. Thomas, referred to Taxation.
SB 138, introduced by D. Ankney, F. Thomas, referred to Taxation.
SB 139, introduced by D. Ankney, J. Cohenour, V. Court, G. Custer, M. Dunwell, F. Garner, E. Greef, B. Harris, L. Jones, K. Kelker, E. McClafferty, T. Richmond, D. Salomon, R. Shaw, S. Stewart-Peregoy, P. Webb, J. Welborn, T. Welch, referred to Education and Cultural Resources.
SB 140, introduced by D. Ankney, referred to State Administration.

SB 141, introduced by S. Malek, referred to State Administration.
SB 142, introduced by T. Facey, referred to Local Government.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 6, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 80, introduced by W. Curdy (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.
HB 91, introduced by G. Pierson (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 191, introduced by S. Berglee, B. Tschida, referred to Education and Cultural Resources.
HB 221, introduced by D. Jones, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 15 - Senator Cohenour moved **SB 15** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 83 - Senator R. Webb moved **SB 83** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 - Senator Sesso moved **SB 43** do pass. Motion carried as follows:

Yeas: Barrett, Brown, Caferro, Cohenour, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Richmond, Small, Smith C, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 10 - Senator Blasdel moved **SB 10** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 53 - Senator L. Jones moved **SB 53** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 85 - Senator Moe moved **SB 85** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 36

Nays: Fielder, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 33 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Caferro, Cohenour, Facey, MacDonald, Malek, Moe, Pomnichowski, Sesso, Vuckovich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 41 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 90 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Smith F, Tempel.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 80** be taken from the second reading board and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 43**, heard under second reading this date, be re-referred to the Finance and Claims Committee. Without objection so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 24, 2017, the 17th legislative day. Motion carried.

Senate adjourned at 1:58 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 24, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gross. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Wolken excused.

BILLS AND JOURNALS (Keenan, Chair): 1/24/2017

Correctly printed: **SB 10**, **SB 15**, **SB 43**, **SB 53**, **SB 80**, **SB 83**, **SB 85**, **SB 137**, **SB 138**, **SB 139**, **SB 140**, **SB 141**, **SB 142**, **SJ 6**, **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 13**, **SR 14**, **SR 15**, **SR 16**, **SR 17**.
Transmitted to the House: **SB 33**, **SB 41**, **SB 90**.

MOTIONS

Senator Buttrey moved to take **SB 34** from second reading this date and place it on second reading on Thursday, January 26, 2017. Without objection so ordered.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/23/2017
SB 103, do pass.
SB 115, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/23/2017
SB 82, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "FOR HIGH-RISK" on line 6 through "PROVIDERS" on line 7
Insert: "IN CERTAIN CIRCUMSTANCES"

2. Page 2, line 10.
Strike: "3"
Insert: "6"
Following: "years"
Insert: "and 3 months"

3. Page 3, line 21 through line 23.

Strike: "that at least" on line 21 through "agreements" on line 23
Insert: "previous billing errors greater than 5% of the total lines reviewed"

4. Page 4, line 5.
Following: "may request"
Insert: "up to 6 months of"

5. Page 4, line 6.
Strike: "6 months"
Insert: "3 years"

6. Page 4, line 10.
Strike: "6-month"
Insert: "3-year"

7. Page 4, line 22.
Following: "in conducting an"
Insert: "initial"

8. Page 4, line 27.
Following: "high-risk provider"
Insert: "or a followup audit of any provider"

9. Page 9, line 14.
Strike: "(9)"
Insert: "(8)"

10. Page 9, line 26 through line 28.
Strike: subsection (7) in its entirety
Renumber: subsequent subsections

And, as amended, do pass.

SB 100, do pass.

STATE ADMINISTRATION (Brown, Chair): 1/23/2017
SB 131, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "7"
Insert: ", 9,"

2. Title, page 1, line 6 through line 7.
Strike: ", AND" on line 6 through "2017" on line 7

3. Page 1, line 29.
Following: "7"
Insert: ", 9,"

And, as amended, do pass.

HB 39, be concurred in.

TAXATION (Blasdel, Chair): 1/24/2017
HB 42, be concurred in.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/23/2017

HB 48, introduced by B. Brown
HB 53, introduced by Z. Brown
HB 82, introduced by J. Bachmeier
HB 100, introduced by B. Bennett
HB 119, introduced by S. Berglee
HB 166, introduced by J. Trebas

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 143, introduced by M. Lang, D. Bartel, M. Blasdel, C. Knudsen, A. Olszewski, R. Osmundson, K. Regier, D. Salomon, B. Tschida, referred to State Administration.
SB 144, introduced by R. Webb, referred to Judiciary.
SB 145, introduced by R. Webb, referred to Judiciary.
SB 146, introduced by D. Barrett, referred to Energy and Telecommunications.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 18, introduced by K. Regier, referred to Judiciary.
SR 19, introduced by K. Regier, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 48, introduced by B. Brown (by request of the Water Policy Interim Committee), referred to Natural Resources.

HB 53, introduced by Z. Brown (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 82, introduced by J. Bachmeier (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 119, introduced by S. Berglee (by request of the School Funding Interim Commission), referred to Education and Cultural Resources.
HB 166, introduced by J. Trebas, J. Price, referred to Business, Labor, and Economic Affairs.

The following House bill was introduced and read first time:

HB 100, introduced by B. Bennett (by request of the Legislative Council).

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 36 - Senator Ankney moved **SB 36** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 101 - Senator Richmond moved **SB 101** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 48

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SJ 2 - Senator Connell moved **SJ 2** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 47

Nays: Fielder, Moore.
Total 2

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 39 - Senator Richmond moved **SB 39** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 79 - Senator Fitzpatrick moved **SB 79** do pass.

SB 79 - Senator Fitzpatrick moved **SB 79**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "60%"
Insert: "70%"

2. Page 1, line 22.
Strike: "60%"
Insert: "70%"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Mr.President.
Total 48

Nays: Vuckovich.
Total 1

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 79 - Senator Fitzpatrick, moved **SB 79, as amended,** do pass. Motion **failed** as follows:

Yeas: Ankney, Buttrey, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Lang, Malek, McNally, Moe, Moore, Richmond, Salomon, Sands, Tempel, Thomas, Webb, Welborn.
Total 21

Nays: Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Gross, Hinkle, Keenan, MacDonald, McClafferty, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Sesso, Small, Smith C, Smith F, Swandal, Vance, Vincent, Vuckovich, Whitford, Mr.President.
Total 28

Absent or not voting: None.

Total 0

Excused: Wolken.
Total 1

SB 79 - Majority Leader Thomas moved **SB 79** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Blasdel, Brown, Fielder, Gauthier, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Nays: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Vuckovich, Welborn, Whitford.
Total 28

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 32 - Senator K. Regier moved **SB 32** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford.
Total 17

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 10 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 15 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 53 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 83 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford.
Total 17

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 85 passed as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Whitford.
Total 32

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess and reconvene at 6:40 p.m. this day. Motion carried.

Senate recessed at 1:45 p.m.

Senate was called back to order at 6:45 p.m. President Sales presiding.

MOTIONS

Majority Leader Thomas moved the Senate recess and proceed to the House of Representatives for the purpose of entering into joint session to hear the Governor's State of the State address. Upon adjournment of the joint session, the Senate will be adjourned until the hour of 1:00 p.m., Wednesday, January 25, 2017. Motion carried.

SPECIAL ORDERS OF THE DAY

The Senate was introduced in the House Chambers. President Sales assumed the chair.

Majority Leader Thomas moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving the State of the State address from the Honorable Steve Bullock, Governor of the State of Montana. Motion carried.

Majority Leader Thomas moved the President be authorized to appoint a committee of four to notify Governor Bullock that the Senate and House of Representatives are in joint session and ready to receive the address. Without objection, the President appointed Senators Sands and Webb, and Representatives McKamey and Webber, and charged the committee to escort Governor Bullock into the chambers.

Invocation by Father Marc Lenneman. Posting of colors by members of the Montana Air National Guard Color Guard. National anthem sung by Senior Airman Khristine Wiley.

The committee of four escorted Governor Bullock into the chamber. President Sales introduced Governor Bullock and the Governor gave the following speech:

<<<>>>

Mr. President, Mr. Speaker, members of the 65th Legislature; Lieutenant Governor Cooney, judges of our highest court and representatives of our tribal nations; my cabinet and coworkers, both in the Governor's Office and throughout state government; my beloved family Lisa, Caroline, Alex and Cameron; and my fellow Montanans:

As we gather tonight, let us honor those serving Montana, near and far. The 120th Montana National Guard airmen and soldiers serving our state and nation in some of the most dangerous areas around the world; the snowplow driver, keeping commerce flowing and communities connected; the Child Protective Services worker, out on a call right now. They and others deserve our thanks.

This is the third time I've been honored to stand before this body to give my State of the State address. It is a tradition as old as the state of Montana herself.

Much has happened since I first stood before you four years ago, brimming with hope and optimism. But, I have to be honest. Over time, my heart has hardened to the blank stares, the snide remarks, the cold reception, the eye rolling. No, I'm not talking about this side of the chamber…I'm talking about the transformation of my children into teenagers.

In preparing for tonight's address, I read through speeches of Governors who served before me. It struck me that, no matter the moment in history, no matter the political party, we have shared values, immutable over time: a sense of pride in this state and its people, a trust in our ability to get things done, and a belief that if we band together, our state and her citizens will shine even brighter tomorrow than they do today.

Let that history be our road map for this 65th Legislative session, and let us be guided by the shared values that are as important today as when they were first spoken. Values of:

- Being responsible with Montanans' money;
- Of making investments today so that future Montanans will have a stronger workforce, economy and state;
- Of recognizing we are the treasure state and our natural beauty as well as our natural resources provide opportunity;
- Values of supporting our businesses;
- Of caring for those who need our help; and
- The bedrock value of working together to get things done.

It is the constancy of these values that have helped us reach this point in our history, and holding fast to them will fuel our success moving forward.

And we have incredible success to build upon.

My fellow Montanans, I stand before you pleased to report the state of our state is strong.

Montana's economy is solid and growing.

- Today, more Montanans have jobs than ever before in our state's history. 36,000 new jobs have been created since I took office.
- Our unemployment rate has dropped to a near-historic low of 4%, and has held steady for over a year.
- We've grown our economy by $1.6 billion and increased personal income for hardworking Montanans by over $4 billion over the past four years.
- And household income growth has been increasing in Montana faster than any state in the nation.

Our economy is growing in part because it has never been as diverse as it is today. It is growing because we are investing in our students. And it is growing because we are supporting our businesses and our workers.

That's not to say there aren't challenges. Global commodity prices are down--a force that affects states across the West no matter who is sitting in the governor's chair. There is uncertainty coming out of Washington, D.C. And the seeds of discontent are far too often finding their way into these halls.

If each of us here tonight recognize that we are temporary stewards of the offices we hold; if we acknowledge the work we do isn't about wins and losses in this building, but instead about the impact upon our neighbors; and if we are willing to embrace the values that have framed this state for the last 130 years, then the challenges we face will be minimal compared to the opportunities within our reach.

Guided by the values that have propelled us through time, we can take on the difficult decisions in our budget, build on our strong economy, take care of our neighbors, and invest in our children.

****

I am certainly not the first governor to insist on fiscal discipline from this body. Ted Schwinden said it best 34 years ago, when he said:

> "I will maintain an open mind, and a sense of humor, as we debate the differences; but I will not stand by and allow Montana's favorable fiscal standing to be nickeled-and-dimed to death. I will insist that we maintain a 'Black Ink Cushion' --a reasonable and necessary ending fund balance. Montana's budget must not be stained by red ink."

I am hopeful, by our third session together, you now appreciate that my insistence on leaving a $300-million-dollar ending fund balance isn't just whimsy. It's what Montanans expect. It is why, even in the face of declining commodity prices over these past two years, our bond ratings remain high…and you all got to stay home between sessions.

In 2013, you learned I will veto spending if you send me a budget that's in the red. In 2015, we crafted a budget together that worked for Montana, and that left money in the bank for rainy days.

I ask you to do that again.

And just as I insist you balance our budget and leave money in the bank, I will insist that our state agencies be as careful with the money they are given as Montana families are with their own. That's why, even before the Legislature came to town, we trimmed $102 million dollars of spending. That's why, even after the Legislature leaves town, I will continue to challenge our agencies to be careful stewards of hard-working families' tax dollars.

And it is precisely because we must be thoughtful with our tax dollars that I am asking this Legislature to bring some fairness to balancing our budget.

It doesn't make sense to me that you have proposed to cut workers from our Child and Family Services Division-- the people on the front lines of helping kids in harm's way--or that you would propose to slash the funding to community nursing homes that care for those depending on our help.

It also doesn't make sense to me, or to most Montanans, that someone making $9 dollars an hour pays the same tax rate as someone making $250 dollars an hour--especially when the alternative is to cut vital services for our citizens. Increasing the top tax rate for any income over a half a million dollars, and other modest revenue proposals before you, are fair.

I ask that you give them fair consideration - and then pass them.

****

I am also not the first Governor--and you are not the first legislature-- to recognize that some of the most important investments we can make are those that will impact Montana long after our time in office.

From the earliest days of our state, when leaders were wise enough to issue bonds to construct the spectacular building we gather in tonight, to Governor Nutter reminding us that "roads are vital to our economy," to Governor Babcock proposing new buildings "on our campuses, at our state institutions and the soldiers' home in Columbia Falls."

I have no doubt that every member of this body recognizes the importance of investing in our infrastructure and in publicly-owned buildings. But Montanans need you to do more than recognize it.

They need you to vote for it.

We can celebrate the infrastructure investments we have made, despite the disappointments of last session. Over the past four years, the Department of Transportation has let 449 projects worth nearly $1.2 billion dollars to improve our transportation infrastructure. Montana workers have fixed over 3,000 miles of highways.

We have put people to work in 70 communities to deliver clean drinking water and upgrade sewage treatment plants. We've improved, repaired and replaced 18 bridges, upgraded facilities in 37 schools, constructed 18 affordable housing projects, and helped fund buildings on six of our campuses, a total of over half a billion of infrastructure investments since 2013.

This is progress, but there is more we can do. I have proposed a $292-million-dollar investment in our bridges, local roads, sewer and water systems, and schools.

This includes funding for the University System's top priority, Romney Hall. Montana State University is bursting at the seams and we need to help it meet the needs of its growing student body.

And as we reflect on history tonight, we must also commit to funding its preservation. It is irresponsible that Montana's best treasures are piled up in warehouses and a basement across the street. We have a rich, incredible history that we need to showcase for Montanans, and for the 11 million visitors to our state each year.

It's also long overdue that we build a veterans' home in Butte. We must do more than say we support our veterans. We must invest in and honor their service to our country.

These projects and more are in the Build Montana proposal being heard in committee right now. Passing it will create over 1,900 jobs, pump over $83 million dollars in wages into our economy, and better position our businesses and communities for the future.

I recognize that some of you in this body are fixated on who gets credit.

I don't care who gets credit.

I, like most Montanans, care about results. So please, join me in undertaking the hard work of getting something to my desk that we can all agree upon.

Because when we fail to invest in infrastructure, we fail Montana. As Territorial Governor Thomas Francis Meagher exhorted in 1866:

> "The broken state of the roads, no doubt, prevented the other returns from coming up in a reasonable time."

Let's not make that mistake this session. Let's instead craft a bipartisan infrastructure proposal, let's make sure we fund our state share of highway projects, and make these some of the first bills to reach my desk, not the last.

****

Just as the investments we make in infrastructure will benefit our state for generations to come, so too will investments in our kids. Republican Territorial Governor James Tufts said in 1868 that:

> "Next in importance to liberty itself, the greatest blessing we can confer upon our children is education."

There is much we can be proud of when it comes to our work over the past four years:

! Graduation rates have reached an all-time high of 86 percent.

! We have raised expectations for our students when it comes to math, English, and science, and they are rising to the challenge.

! In just the last year and a half, 40 percent of all K-12 students have even better internet access at school than they did before, further opening frontiers of knowledge and wonder.

! And each semester this year, the Montana University System will enroll over 2,500 high school students in college courses for dual credit, saving Montana families almost $5

million dollars in tuition payments.

We also have much to be pleased with when it comes to our wise investments in higher education.

! Since 2009, 46 states have decreased their funding of higher education. In Montana we've increased funding, because we know that when we invest in our students, we are investing in our economy.

! We hear that our kids are our greatest export…yet the facts show that 80% of our resident students are now employed right here in Montana within a year of graduating, up from 74% in 2009.

! And now more than ever, our University System, state government, and the private sector are working together to produce graduates that have a world-class education and the skills and abilities our local businesses need to grow and expand.

Yet, there is more to do. There are investments we can't afford NOT to make. I am asking you to increase our state's investment in K-12 by $30 million. We can also increase our support for special education by $1.5 million. We can continue investments in preserving our Native languages, and support for Tribal Colleges. We can invest $2 million dollars to further build out the internet connectivity in our schools, and that investment will be leveraged up to eight times over.

And, finally, finally it's time to follow the lead of 45 other states that have done it already, and invest in publicly funded early childhood education.

My administration and local districts have made progress for our four-year olds these past four years, in spite of--not as a result of--this body. Last year, more than 650 children were able to access high quality preschool their parents otherwise might not have been able to afford. Those children now have a brighter future, because they will enter kindergarten ready and excited to learn.

The average cost of childcare in Montana for a four-year old is $7,900 dollars; in other words, more than college tuition at Montana State University or the University of Montana. A mom earning minimum wage could easily spend half of her income on childcare for just one kiddo.

Let's help those families. I have proposed a $12 million preschool grant program to allow school districts, Head Start programs or high-quality private preschool providers to offer preschool for four-year-old kids at or below 200 percent of the Federal Poverty Level.

Like the other 45 states that have implemented state funding for preschool, we know this works. And if you think the research says otherwise, stop by my office and I will give you a stack of reports taller than a four-year old to help in your education.

If you think this isn't a good investment, consider this: the single biggest indicator of whether

someone will be in prison when they are 18 years old is the size of their vocabulary when they are five.

To be clear, it costs us not to invest in kids. As Governor Babcock explained, "The best way to reduce the cost of public welfare is to make it possible for every person to obtain the kind of education which will permit him to be a productive and successful member of our society."

Early childhood education is that kind of education, and our kids can no longer wait.

****

Another value that we have shared over time is supporting the growth of our businesses. As Governor Aronson said over 60 years ago:

> "Both political party platforms favor new industry. It is our job to make Montana attractive."

Well, Montana is attractive. I doubt Governor Aronson could have foreseen the explosion in our manufacturing sector, or our outdoor recreation economy, or growth in our biosciences and high-tech industries.

This growth is driven by the Montana work ethic. By the fact that people want to live, work and raise families here. People love that Montana is one town with a long main street. They love that when you get off work at 5:00 in the summer, you have five more hours of daylight and hundreds of miles of trails and streams to play in. They love that we stop to haul strangers out of the ditch. That we look out for each other.

The biggest challenge facing our businesses isn't our tax climate--we have one of the best. The biggest challenge isn't government--we are effective and have been working directly with businesses these last four years. The biggest challenge Montana businesses face is growth itself.

Today, there are over 6,500 listed job openings across our state. As I talk to employers, they consistently tell me that their greatest barrier to expansion is recruiting enough talented and trained workers.

And while we have made significant strides over the last four years, there is more we can do.

First, I'm asking you to invest in businesses that are playing a role in training the workers we need. We've increased apprenticeships by almost 30 percent these past four years, but a greater need remains. I'm proposing that we give businesses a $1,000-dollar tax credit for each apprentice they hire, helping the employers get the skilled workforce they need, and better paying workers as they advance their skill set. And, if the apprentice hired is a veteran, I'm asking you to provide a $2,000-dollar tax credit.

Second, let's incentivize businesses to invest in equipment to help their growth and expansion.

I'm asking you to increase the local tax abatement for new business equipment up to 75 percent for the first five years after purchasing the equipment. Doing so will make sure businesses aren't taxed before the new equipment adds to their bottom lines, and it won't be at the expense of existing local government services.

And finally, let's pass the Paycheck Transparency Act. Workers--and especially female workers--should not be penalized for their prior wage history or for asking if they are getting paid the same as coworkers.

It's one more step in ensuring that all Montanans earn a fair day's wage for a fair day's work.

****

Another value that has been universally shared over the history of our state is the recognition that we are the Treasure State, and that means both our natural resources and the nature that is so important to all of us.

As Governor Anderson implored:

> "Environmental protection and economic development […] are not mutually exclusive," and "We will be the greatest fools in the history of Montana if we fail to provide for the preservation of our air, water and land."

Like our natural resources, our outdoor heritage is big business:

- Outdoor recreation accounts for 64,000 jobs and $6 billion dollars in consumer spending each year;

- Three-fourths of resident deer hunters and 85% of resident elk hunters report that they hunt on publicly-owned lands; and

- In 2015 alone, hunters and anglers spent an estimated $1.25 billion dollars in Montana.

The economic impact and the value Montanans place on our outdoor economy cannot be taken for granted. We need to enhance these opportunities, not detract from them.

I'm asking you to lift the limitations you placed on the Habitat Montana program, so sportsman dollars can continue to create and preserve places for our families to hunt, fish and recreate.

And, let me be clear, again: do not send bills to my desk that even suggest or start down the path of transferring our public lands out of public hands.

Because that will not happen--not on my watch.

As we look to the years ahead, at the forefront of many people's minds is what Montana's energy future looks like.

We should all take pride in knowing we are responsibly using our state's energy resources to provide good-paying jobs, strengthening our communities and supporting local schools, all while safeguarding our quality of life, especially our clean air, clean water, and the tens of thousands of jobs that rely on them.

As a governor and as a dad, I have a responsibility to address climate change. We know climate change is happening because we experience it. And even if you have doubts, the financial markets are reacting, and our energy companies are planning around it.

You often hear a false choice--that we can either address climate change or continue to produce power from fossil fuels--but not both. I reject this choice.

We hold the largest coal reserves in the country, and Montana coal production has been higher under my Administration than any previous one in the last three decades. Though, change is on the horizon, driven by historically low natural gas prices, regulatory concerns and changing consumer demands.

We also have some of the best wind and solar resources in the country. The first commercial-scale solar projects, as well as over 400 megawatts of additional wind power, will be under construction this year. These projects bring with them new jobs for Montanans and a diversified tax base for a number of rural counties.

As an exporter of energy, our energy path is partially dependent on choices and decisions made beyond our borders. That's why I'm directing members of my cabinet to travel to Western states to talk with our neighbors about the diversity of resources we have to serve their needs--let's add the value and create the jobs here, giving our neighbors more of the electricity that they want.

And I'm asking you to take a number of steps:

First, our cheapest and greenest source of energy is conservation, the energy we don't use. Making our homes and businesses more energy efficient puts people to work and lowers heating bills. Let's give our local governments the option to have property assessed clean energy, also known as PACE. We'll boost energy conservation, and give Montanans more power over their lives.

Second, if we want to move our energy future forward, we'll work together to improve our major facilities siting act. This suggestion came to me from community and business leaders through the Main Street Montana Project. Our limited ability to move our power out of state has hurt future prospects for energy development. Fixing our laws is an important step toward that future.

And finally, while we won't solve the issues related to coal burning and carbon alone, we can take steps and make investments today that can help shape a better future:

! As many of you know, I have asked the U.S. Department of Energy to assess the

Colstrip facilities for carbon capture opportunities. That work continues and I am committed to it.

! XPrize has staked $20 million dollars in prizes for the teams that figure out how to capture carbon and turn it into commercially useful products.

! To complement this work, the Wyoming Legislature has funded a center to test advanced technologies and innovation relating to coal and carbon capture. I am asking that we get off the sidelines and join Wyoming's efforts, by committing $3 million dollars and making it a joint project.

To chart our energy future, we need vision and commitment that is grounded in reality. But we must not be afraid of the fact that tomorrow's reality will undoubtedly look different than it does today.

I ask you to join me in shaping our energy future by design.

****

Over the past century and a quarter, Montanans have also consistently recognized that government has a role in providing a hand up, and a path forward, for our friends and neighbors in need of our help. As Governor Judge said 40 years ago:

> "It has been said that the stature of a government can be measured best by the compassion for its people. If that is the case, Montana has earned the right to stand tall."

And, indeed, this body has provided many reasons for us to stand tall:

! 67,000 more Montanans--the majority of whom are working--now have regular and consistent access to health care. Not only saving lives, but saving our rural hospitals.

! We have upped our commitment to the full spectrum of mental health services and finally invested in the full range of autism services.

! And the rate of uninsured Montanans has plummeted from 20% in 2013 to only 7% today.

The work we have done to make Montanans healthier, and safer, isn't limited to legislative action alone.

! We created the Office of American Indian Health, to help address the fact our Native American neighbors have a life span, on average, 20 years less than non-natives.

! We established the Governor's Council on Health Care Innovation, engaging industry leaders to come together in a sustained commitment to improve health outcomes and

reduce costs in the healthcare system.

! We've expanded mental health counseling and assistance to all National Guard members and their families, because one soldier lost to suicide is one too many. We've expanded some of those services to anyone who has ever worn a uniform for our country.

! And, thanks in large part to the First Lady's dedication and commitment, 41,000 more young Montanans now get a healthy breakfast at school than when we first took office.

Even as we look to tighten the budget, we cannot forget that a healthy economy depends on the health of our citizens.

! I ask that you continue funding the full spectrum of mental health services we provided last session, including those receiving services as a result of the HELP Act. Thousands more Montanans are now able to access the mental health care they need and deserve.

! We must do all we can to protect our most vulnerable children, those at risk for abuse and neglect. Following the recommendations of the Protect Montana Kids Commission, I am requesting additional funding for our Child Protective Services Workers, as well as needed legislative reforms.

! And while I'm so pleased that Montana leads the nation in many economic indicators, I cannot tolerate that Montana leads the nation in youth suicide. I am haunted by this statistic, and I imagine you are as well. I am proposing $1 million to fund evidence-based pilot programs. We will take what we learn from these efforts to bring it to scale, to better keep our kids safe.

! And at the other end of the spectrum, we must do more to help keep our seniors in their homes. This not only affords our legacy Montanans the dignity they deserve; it saves us money. Therefore, I am requesting you provide $1.5 million in additional funding to our Area Agencies on the Aging, and fully fund the respite care program. Our seniors deserve it.

****

Fiscal responsibility. Education. Infrastructure. Job creation. Caring for others.

These <u>are</u> immutable values that stand the test of time. And at the core of them all is the bedrock value of working together to get things done.

Almost a century ago, in 1923, Governor Dixon implored the Legislature:

> "The people were never more ready for a constructive program. They were never more impatient of petty partisan politics that cause delay. They are looking to the

> membership of this present body for real results, and will not be content with platitudinous explanations of failure in accomplishment. The old-time appeals to party prejudice no longer bring forth real response from the mass of our citizenship."

Seventy years later, Governor Racicot encouraged the same. He said:

> "Let us each vow tonight quietly in our hearts to shun the tired old games and the worn old labels. Let us stress too, in our hearts and our words, not the small differences that might divide us at times. Instead, let us treasure the immense similarities that unite us."

Tonight, I am asking you to focus on the shared values that unite us, so we may move our state forward.

Because at the end of the day Montanans want many of the same things: good-paying jobs, safe communities, great schools, clean air, clean water and public lands to enjoy, and the promise that the next generation will have even greater opportunities than we have today.

That future is in our reach. But we must work together, and the time for games is over. We must engage in thoughtful, rational, and constructive dialogue with one another.

The differences we have, while amplified at times, are small compared to what unites us. We have challenges and opportunities in the weeks and months ahead, and decisions to make that will impact our state long after my tenure or yours.

Let's face them head on.

****

Montana.

For a kid raised just a few blocks from where we gather tonight, this place, its people, its purpose, built for me a world where the improbable was achievable. Every kid growing up in Montana deserves that same opportunity and feeling of promise.

And you can be assured that I will do everything in my power, in our power, to make that a reality for this generation and the generations after.

So I stand here to tell you, to assure you--unequivocally--that now more than ever, the State of our State is strong. We as Montanans are strong. And we will become even stronger if we work together.

Thank you, God bless you, God bless Montana, and God bless the United States of America.

<<<END>>>

The committee of four escorted Governor Bullock from the chamber.

Majority Leader Thomas moved the joint session be adjourned. Motion carried.

The joint session adjourned at 7:49 p.m. The Senate will reconvene at 1:00 p.m. Wednesday, January 25, the 18th legislative day.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 25, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Webb. Pledge of Allegiance to the Flag.

Roll Call. Fifty members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/25/2017

Correctly printed: **SB 32**, **SB 36**, **SB 39**, **SB 100**, **SB 101**, **SB 103**, **SB 115**, **SB 143, SB 144**, **SB 145, SB 146, SJ 2**, **SR 18**, **SR 19**, **HB 39**, **HB 42**.
Correctly engrossed: **SB 12, SB 50, SB 51, SB 82**, **SB 91, SB 131**.
Transmitted to the House: **SB 10**, **SB 15**, **SB 53**, **SB 83**, **SB 85**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/25/2017
HB 88, be concurred in.
HB 120, be concurred in.
HB 122, be amended as follows:

1. Title, page 1, line 8.
Following: "37-51-309,"
Insert: "37-51-313,"

2. Page 5, line 17.
Following: line 16
Insert: "Section 5. Section 37-51-313, MCA, is amended to read:

"37-51-313. Duties, duration, and termination of relationship between broker or salesperson and buyer or seller. (1) The provisions of this chapter and the duties described in this section govern the relationships between brokers or salespersons and buyers or sellers and are intended to replace the duties of agents as provided elsewhere in state law and replace the common law as applied to these relationships. The terms "buyer agent", "dual agent" and "seller agent", as used in this chapter, are defined in 37-51-102 and are not related to the term "agent" as used elsewhere in state law. The duties of a broker or salesperson vary depending upon the relationship with a party to a real estate transaction and are as provided in this section.

(2) A seller agent is obligated to the seller to:

(a) act solely in the best interests of the seller, except that a seller agent, after written disclosure to the seller and with the seller's written consent, may represent multiple sellers of property or list properties for sale that may compete with the seller's property without breaching any

obligation to the seller;

(b) obey promptly and efficiently all lawful instructions of the seller;

(c) disclose all relevant and material information that concerns the real estate transaction and that is known to the seller agent and not known or discoverable by the seller, unless the information is subject to confidentiality arising from a prior or existing agency relationship on the part of the seller agent with a buyer or another seller;

(d) safeguard the seller's confidences;

(e) exercise reasonable care, skill, and diligence in pursuing the seller's objectives and in complying with the terms established in the listing agreement;

(f) fully account to the seller for any funds or property of the seller that comes into the seller agent's possession; and

(g) comply with all applicable federal and state laws, rules, and regulations.

(3) A seller agent is obligated to the buyer to:

(a) disclose to a buyer or the buyer agent any adverse material facts that concern the property and that are known to the seller agent, except that the seller agent is not required to inspect the property or verify any statements made by the seller;

(b) disclose to a buyer or the buyer agent when the seller agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the property;

(c) act in good faith with a buyer and a buyer agent; and

(d) comply with all applicable federal and state laws, rules, and regulations.

(4) A buyer agent is obligated to the buyer to:

(a) act solely in the best interests of the buyer, except that a buyer agent, after written disclosure to the buyer and with the buyer's written consent, may represent multiple buyers interested in buying the same property or properties similar to the property in which the buyer is interested or show properties in which the buyer is interested to other prospective buyers without breaching any obligation to the buyer;

(b) obey promptly and efficiently all lawful instructions of the buyer;

(c) disclose all relevant and material information that concerns the real estate transaction and that is known to the buyer agent and not known or discoverable by the buyer, unless the information is subject to confidentiality arising from a prior or existing agency relationship on the part of the buyer agent with another buyer or a seller;

(d) safeguard the buyer's confidences;

(e) exercise reasonable care, skill, and diligence in pursuing the buyer's objectives and in complying with the terms established in the buyer broker agreement;

(f) fully account to the buyer for any funds or property of the buyer that comes into the buyer agent's possession; and

(g) comply with all applicable federal and state laws, rules, and regulations.

(5) A buyer agent is obligated to the seller to:

(a) disclose any adverse material facts that are known to the buyer agent and that concern the ability of the buyer to perform on any purchase offer;

(b) disclose to the seller or the seller agent when the buyer agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the ~~property~~ ability of the buyer to perform on any purchase offer;

(c) act in good faith with a seller and a seller agent; and

(d) comply with all applicable federal and state laws, rules, and regulations.

(6) A statutory broker is not the agent of the buyer or seller but nevertheless is obligated

to them to:

(a) disclose to:

(i) a buyer or a buyer agent any adverse material facts that concern the property and that are known to the statutory broker, except that the statutory broker is not required to inspect the property or verify any statements made by the seller;

(ii) a seller or a seller agent any adverse material facts that are known to the statutory broker and that concern the ability of the buyer to perform on any purchase offer;

(b) exercise reasonable care, skill, and diligence in putting together a real estate transaction; and

(c) comply with all applicable federal and state laws, rules, and regulations.

(7) A dual agent is obligated to a seller in the same manner as a seller agent and is obligated to a buyer in the same manner as a buyer agent under this section except that a dual agent has a duty to disclose to a buyer or seller any adverse material facts that are known to the dual agent, regardless of any confidentiality considerations.

(8) A dual agent may not disclose the following information without the written consent of the person to whom the information is confidential:

(a) the fact that the buyer is willing to pay more than the offered purchase price;

(b) the fact that the seller is willing to accept less than the purchase price that the seller is asking for the property;

(c) factors motivating either party to buy or sell; and

(d) any information that a party indicates in writing to the dual agent is to be kept confidential.

(9) While managing properties for owners, a licensed real estate broker or licensed real estate salesperson is only required to meet the requirements of part 6 of this chapter, other than those requirements for the licensing of property managers, and the rules adopted by the board to govern licensed property managers.

(10) A licensed broker or salesperson must obtain an appropriate written buyer broker agreement or written listing agreement prior to performing the acts of a buyer agent or a seller agent. A licensed broker or salesperson who is acting as a buyer agent or a seller agent without a written buyer broker agreement or written listing agreement is nevertheless obligated to comply with the requirements of this chapter.

(11) (a) The agency relationship of a buyer agent, seller agent, or dual agent continues until the earliest of the following dates:

(i) completion of performance by the agent;

(ii) the expiration date agreed to in the listing agreement or buyer broker agreement; or

(iii) the occurrence of any authorized termination of the listing agreement or buyer broker agreement.

(b) A statutory broker's relationship continues until the completion, termination, or abandonment of the real estate transaction giving rise to the relationship.

(12) Upon termination of an agency relationship, a broker or salesperson does not have any further duties to the principal, except as follows:

(a) to account for all money and property of the principal;

(b) to keep confidential all information received during the course of the agency relationship that was made confidential at the principal's direction, except for:

(i) subsequent conduct by the principal that authorizes disclosure;

(ii) disclosure of any adverse material facts that concern the principal's property or the ability

of the principal to perform on any purchase offer;

(iii) disclosure required by law or to prevent the commission of a crime;

(iv) the information being disclosed by someone other than the broker or salesperson; and

(v) the disclosure of the information being reasonably necessary to defend the conduct of the broker or salesperson, including employees, independent contractors, and subagents.

(13) Consistent with the licensee's duties as a buyer agent, a seller agent, a dual agent, or a statutory broker, a licensee shall endeavor to ascertain all pertinent facts concerning each property in any transaction in which the licensee acts so that the licensee may fulfill the obligation to avoid error, exaggeration, misrepresentation, or concealment of pertinent facts.""

Renumber: subsequent sections

And, as amended, be concurred in.

HB 132, be concurred in.
HB 197, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 1/24/2017
SB 12, introduced bill, be amended as follows:

1. Page 3, line 2.
Following: "utility;"
Strike: "and"
Insert: "(c) advancements in the use of metering technology to allow for the transfer of data electronically through two-way communications between the owner of distribution facilities and inverters used on customer-generators' net metering systems; and"

2. Page 3, line 3.
Strike: "(c)"
Insert: "(d)"
Following: "technologies"
Insert: ", including those that promote two-way communications,"

3. Page 3, line 4.
Following: "operability"
Insert: ", line stability, safety,"

And, as amended, do pass.

FISH AND GAME (Fielder, Chair): 1/24/2017
SB 50, introduced bill, be amended as follows:

1. Page 1.
Following: line 14
Insert: "(2) Electronic validation of licenses pursuant to this section may not include the collection of hunter location data through the use of a global positioning system."

Renumber: subsequent subsections

And, as amended, do pass.

SB 51, introduced bill, be amended as follows:

1. Page 2, line 19.
Following: "~~(a)~~"
Insert: "(a)"

2. Page 2, line 19 through line 21.
Strike: ":" on line 19 through "(b)" on line 21

3. Page 2, line 24.
Following: "~~and~~"
Insert: "and"

4. Page 2, line 25.
Strike: subsection (iv) in its entirety
Renumber: subsequent subsection

5. Page 2, line 26.
Following: "locations"
Insert: "or addresses"
Strike: "; and"
Insert: "."

6. Page 2, line 27.
Strike: "(c)"
Insert: "(b)"
Strike: "on"
Insert: "On"
Following: "~~shall~~"
Insert: "a licensee who sells fish or eggs shall"

7. Page 2, line 30.
Following: line 29
Insert: "(c) If the purchaser is not the owner of the pond to which the fish or eggs are being transferred, the purchaser shall provide to the department the fish pond license number of the pond to which the fish or eggs are transferred."

And, as amended, do pass.

SB 91, introduced bill, be amended as follows:

1. Page 1, line 28.
Following: "ground"
Insert: "and whose body is"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/25/2017
SB 45, do pass.
SB 59, do pass.
SB 60, do pass.
SB 67, do pass.
SB 71, do pass.
SB 107, do pass.
SJ 3, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/24/2017

HB 49, introduced by B. Brown
HB 108, introduced by B. Smith
HB 156, introduced by F. Mandeville
HB 172, introduced by R. Fitzgerald
HB 200, introduced by D. Fern

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 147, introduced by D. Sands, referred to Judiciary.
SB 148, introduced by S. Malek, referred to Business, Labor, and Economic Affairs.
SB 149, introduced by D. Kary, referred to State Administration.
SB 150, introduced by D. Brown, referred to Taxation.
SB 151, introduced by D. Brown, D. Ankney, M. Blasdel, E. Buttrey, S. Hinebauch, B. Keenan, referred to Local Government.
SB 152, introduced by J. Sesso, referred to State Administration.
SB 153, introduced by M. MacDonald, referred to Judiciary.
SB 154, introduced by M. Lang, A. Redfield, referred to Energy and Telecommunications.
SB 155, introduced by M. Lang, D. Bartel, B. Beard, M. Blasdel, R. Cook, B. Hamlett, S. Hinebauch, B. Hoven, C. Knudsen, F. Moore, G. Pierson, A. Redfield, N. Swandal, R. Tempel, K. White, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 49, introduced by B. Brown (by request of the Water Policy Interim Committee), referred to Natural Resources.
HB 108, introduced by B. Smith (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 156, introduced by F. Mandeville, referred to Natural Resources.
HB 172, introduced by R. Fitzgerald, referred to Business, Labor, and Economic Affairs.
HB 200, introduced by D. Fern, F. Garner, referred to Local Government.

The following House bill, previously introduced, was referred to committee:

HB 100, introduced by B. Bennett (by request of the Legislative Council), referred to Legislative Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - Senator Connell moved **SB 11** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 14 - Senator Cohenour moved **SB 14** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 7 - Senator Connell moved **SB 7** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Caferro, Cohenour, Facey, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 32 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 36 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 39 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 101 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: MacDonald, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 2 adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Moore.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 14**, heard under second reading this date, be re-referred to the Finance and Claims Committee.

Without objection, so ordered.

UNFINISHED BUSINESS

Mr. President, I move the following names be **ADDED** as sponsor to **SB 133**. (R. Webb, Chief Sponsor): Senator Olszewski, Representatives Greef, Hill-Smith, Knokey, McKamey, and P. Webb.

Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 26, 2017, the 19th legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
NINETEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 26, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Swandal excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/26/2017

Correctly printed: **SB 7**, **SB 11**, **SB 14**, **SB 45**, **SB 59**, **SB 60**, **SB 67**, **SB 71**, **SB 107**, **SB 147**, **SB 148**, **SB 149**, **SB 150**, **SB 151**, **SB 152**, **SB 153**, **SB 154**, **SB 155**, **SJ 3**, **HB 88**, **HB 120**, **HB 132**, **HB 197**.
Correctly engrossed: **SB 27, SB 63, SB 65, HB 122**.
Transmitted to the House: **SB 32**, **SB 36**, **SB 39**, **SB 101**, **SJ 2**.

COMMUNICATIONS AND PETITIONS

Letter received from Mike McGrath, Chief Justice of the Supreme Court, dated January 17, 2017, requesting Senate confirmation of Douglas Ritter as associate water judge for the Montana Water Court.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/25/2017
SB 124, do pass.
HB 113, be concurred in.

JUDICIARY (Regier, Chair): 1/25/2017
SB 63, introduced bill, be amended as follows:

1. Page 3, line 15.
Following: "(8)(a)"
Strike: "If"
Insert: "Except as provided in subsection (8)(c), if"

2. Page 3, line 19.
Following: "(b)"
Strike: "If"
Insert: "Except as provided in subsection (8)(c), if"

3. Page 3, line 24.
Following: line 24

Insert: "(c) If the judge finds that the offender has violated the terms and conditions of the suspended or deferred sentence, that the violation is a compliance violation, and that the offender's conduct indicates that the offender will not be responsive to further efforts under the incentives and interventions grid, the judge may sentence the offender as provided in subsection (7)."

4. Page 4, line 7.
Strike: "or"

5. Page 4, line 8.
Following: "absconding"
Insert: "; or
(v) failure to enroll in or complete a required sex offender treatment program or a treatment program designed to treat violent offenders"

And, as amended, do pass.

SB 65, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "every"
Insert: "reasonable"

2. Page 4, line 14.
Following: "department"
Strike: "of corrections"

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/25/2017
SB 129, do pass.

STATE ADMINISTRATION (Brown, Chair): 1/25/2017
SB 127, do pass.
HB 40, be concurred in.

TAXATION (Blasdel, Chair): 1/26/2017
SB 27, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "HEARING BEFORE TAX INCREMENT MAY BE EXPENDED"
Insert: "MEETING WITH OPPORTUNITY FOR PUBLIC COMMENT FOR URBAN RENEWAL

AGENCIES"

2. Title, page 1, line 8 through line 9.
Strike: "A LOCAL GOVERNMENT" on line 9 through "PREPARE AN" on line 10
Insert: "AN URBAN RENEWAL AGENCY TO INCLUDE CERTAIN ADDITIONAL INFORMATION IN ITS"

3. Title, page 1, line 10.
Strike: "7-15-4254,"
Insert: "AND"
Strike: "7-15-4282, 7-15-4288, AND 17-6-316,"

4. Page 2, line 29 through line 30.
Strike: "(2)"
Strike: "publicly" on line 29 through "board" on line 30
Insert: "open to the public with the opportunity for public comment"

5. Page 3, line 9.
Strike: "public purpose of"
Following: "increment"
Insert: "in the preceding fiscal year"
Strike: "must demonstrate"

6. Page 3, line 9 through line 10.
Strike: "will increase" on line 9 through "district" on line 10
Insert: "comply with the approved urban renewal plan or comprehensive development plan for the district"

7. Page 3, line 15 through page 4, line 7.
Strike: section 4 in its entirety
Renumber: subsequent sections

8. Page 5, line 1.
Strike: "demonstrate"
Insert: "describe"

9. Page 5, line 4 through line 11.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

10. Page 5, line 21 through page 7, line 25.
Strike: section 6 through section 8 in their entirety

And, as amended, do pass.

HB 74, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/25/2017

HB 29, introduced by J. Essmann
HB 76, introduced by G. Hertz
HB 79, introduced by W. Curdy
HB 81, introduced by W. Curdy
HB 103, introduced by G. Custer
HB 106, introduced by T. Jacobson
HB 128, introduced by R. Shaw
HB 207, introduced by B. Bennett

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 156, introduced by J. Cohenour, M. Dunwell, referred to Taxation.
SB 157, introduced by J. Cohenour, referred to Agriculture, Livestock and Irrigation.
SB 158, introduced by M. MacDonald, J. Essmann, J. Gross, K. Kelker, M. McNally, V. Ricci, referred to State Administration.
SB 159, introduced by M. Blasdel, referred to Education and Cultural Resources.

The following Senate resolutions were introduced, read first time, and referred to committee:

SR 20, introduced by C. Vincent, referred to Natural Resources.
SR 21, introduced by C. Vincent, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 29, introduced by J. Essmann (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 76, introduced by G. Hertz (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 79, introduced by W. Curdy (by request of the Department of Military Affairs), referred to State Administration.
HB 81, introduced by W. Curdy (by request of the Secretary of State), referred to State Administration.
HB 103, introduced by G. Custer (by request of the Secretary of State), referred to State

Administration.
HB 106, introduced by T. Jacobson (by request of the Board of Real Estate Appraisers), referred to Business, Labor, and Economic Affairs.
HB 128, introduced by R. Shaw, Welborn (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 207, introduced by B. Bennett, B. Brown, G. Custer, F. Garner, F. Mandeville, referred to State Administration.

MOTIONS

Majority Leader Thomas moved that **SB 34** be taken from the second reading board this date and re-referred to the Local Government Committee. Without objection, so ordered.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 131 - Senator Thomas moved **SB 131** do pass.

SB 131 - Senator Malek moved **SB 131**, second reading copy, be amended as follows:

1. Page 1, line 10 through line 22.
Strike: "WHEREAS," on line 10 through "I-182." on line 22

Amendment **not** adopted as follows:

Yeas: Barrett, Caferro, Cohenour, Facey, Gross, Kary, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 131 - Thereupon, the Senate reverted to the original motion of Senator Thomas which passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Caferro, Cohenour, Facey, Fielder, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Vuckovich, Whitford, Wolken.
Total 21

Paired: Swandal, Aye; Smith C, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 89 - Senator Vance moved **SB 89** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 103 - Senator L. Jones moved **SB 103** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 115 - Senator Moe moved **SB 115** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Olszewski, Webb.
Total 2

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

MOTIONS

Majority Leader Thomas moved that **SB 145** be taken from the Judiciary Committee and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate suspend rules S40-40 and S50-190 for the purpose of placing **SB 131** on third reading this date. Motion carried.

Majority Leader Thomas moved that **SB 115**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 7 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 11 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 131 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Caferro, Cohenour, Facey, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 27, 2017, the 20th legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 27, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Wolken. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/27/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh, twelfth, thirteenth, fourteenth, and fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 34**, **SB 89**, **SB 103**, **SB 115**, **SB 124**, **SB 127**, **SB 129**, **SB 156**, **SB 157**, **SB 158**, **SB 159**, **SR 20**, **SR 21**, **HB 40**, **HB 74**, **HB 113**.
Transmitted to the House: **SB 7, SB 11, SB 127, SB 131**.

Senator Blasdel thanked the Pages for their service this week.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/27/2017
HB 16, be concurred in.
HB 25, be concurred in.

JUDICIARY (Regier, Chair): 1/27/2017
SB 64, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "parole"
Insert: "consisting of three members"

2. Page 10, line 17.
Strike: "<u>or</u>"

3. Page 10, line 18.
Following: "<u>absconding</u>"
Insert: "; or
(e) failure to enroll in or complete a required sex offender treatment program or a treatment program designed to treat violent offenders"

4. Page 11, line 5.
Following: "law,"
Insert: "law enforcement,"

And, as amended, do pass.

SB 113, do pass.
SB 118, introduced bill, be amended as follows:

1. Page 9, line 7.
Strike: "[Section 4]"
Insert: "[section 5]"

And, as amended, do pass.

SB 123, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/26/2017

HB 89, introduced by K. Dudik
HB 101, introduced by W. McKamey
HB 162, introduced by R. Peppers
HB 177, introduced by J. Ellis

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 160, introduced by M. Caferro, E. McClafferty, referred to Public Health, Welfare and Safety.
SB 161, introduced by R. Webb, referred to Fish and Game.
SB 162, introduced by K. Regier, referred to Finance and Claims.
SB 163, introduced by K. Regier, referred to State Administration.
SB 164, introduced by K. Regier, referred to Energy and Telecommunications.
SB 165, introduced by D. Salomon, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 89, introduced by K. Dudik (by request of the Task Force on State Public Defender Operations), referred to Judiciary.

HB 101, introduced by W. McKamey (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 162, introduced by R. Peppers, referred to State Administration.
HB 177, introduced by J. Ellis, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 127 - Senator Moe moved **SB 127** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 67 - Senator Wolken moved **SB 67** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 71 - Senator Gross moved **SB 71** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 107 - Senator Kary moved **SB 107** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SJ 3 - Senator Wolken moved **SJ 3** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 82 - Senator Olszewski moved **SB 82** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 100 - Senator C. Smith moved **SB 100** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

HB 39 - Senator Swandal moved **HB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

HB 42 - Senator Cohenour moved **HB 42** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair R. Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

MOTIONS

Majority Leader Thomas moved the Senate suspend rules S40-40 and S50-190 for the purpose of placing **SB 127** on third reading this date. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 89 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 103 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SB 127 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Mary Moe resigned her seat Tuesday, January 24, 2017, and today is her last day in the Senate. President Sales spoke of serving with Senator Moe and wished her well. Senator Moe addressed the Senate and remembered her experiences in office.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 30, 2017, the 21st legislative day. Motion carried.

Senate adjourned at 2:32 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 30, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senator Caferro excused. Quorum present..

BILLS AND JOURNALS (Keenan, Chair): 1/30/2017

Correctly printed: **SB 67**, **SB 71**, **SB 82**, **SB 100**, **SB 107**, **SB 113**, **SB 123**, **SB 160**, **SB 161**, **SB 162**, **SB 163**, **SB 164**, **SB 165**, **SJ 3**, **HB 16**, **HB 25**, **HB 39**, **HB 42**.
Correctly engrossed: **SB 64**, **SB 118**.
Transmitted to the House: **SB 89**, **SB 103**.

MESSAGES FROM THE GOVERNOR

January 27, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Chiropractors, Board of
MCA 2-15-1737

! Dr. Amy Pezo, Great Northern Chiropractic Clinic, 1617 Euclid Ave, Suite 5, Helena, MT 59601, was reappointed to serve a term starting January 27, 2017 and ending January 1, 2020. Pezo fulfills the qualifications of Chiropractor for the board.

Dentistry, Board of
MCA 2-15-1732

! Mr. Jim Corson, 410 15th Street W., #8, Billings, MT 59102, was appointed to serve a term starting January 27, 2017 and ending March 29, 2017. Mr. Corson is also reappointed to

serve a term starting March 29, 2017 and ending April 1, 2022. Corson fulfills the qualifications of Public Representative for the board.

Please note that Jim's appointment to the Board of Dentistry comes concurrently with his resignation from the Board of Nursing Home Administrators as previously submitted for confirmation.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/27/2017

HB 24, introduced by R. Ehli
HB 92, introduced by F. Garner
HB 124, introduced by S. Stewart-Peregoy
HB 165, introduced by G. Hertz
HB 223, introduced by Custer
HB 237, introduced by R. Ehli
HB 240, introduced by K. White
HB 277, introduced by M. Regier
HB 278, introduced by M. Regier

House joint resolution passed and transmitted to the Senate for concurrence: 1/27/2017

HJ 5, introduced by K. McCarthy

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 166, introduced by E. Buttrey, D. Ankney, M. Blasdel, D. Brown, P. Connell, S. Fitzpatrick, D. Jones, R. Osmundson, T. Richmond, D. Salomon, F. Thomas, G. Vance, C. Vincent, J. Welborn, referred to Business, Labor, and Economic Affairs.

SB 167, introduced by C. Vincent, referred to Business, Labor, and Economic Affairs.
SB 168, introduced by S. Malek, referred to Energy and Telecommunications.
SB 169, introduced by B. Hoven, E. Buttrey, R. Cook, W. Curdy, W. Galt, C. Knudsen, R. Lynch, D. Salomon, J. Sesso, referred to Business, Labor, and Economic Affairs.
SB 170, introduced by S. Hinebauch, J. Essmann, T. Gauthier, A. Rosendale, C. Smith, S. Staffanson, R. Tempel, C. Vincent, K. White, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 7, introduced by D. Brown, E. Buttrey, C. Glimm, B. Hamlett, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 22, introduced by K. Regier, referred to Judiciary.
SR 23, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 24, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 25, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 24, introduced by R. Ehli (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 92, introduced by F. Garner (by request of the Department of Transportation), referred to Highways and Transportation.
HB 124, introduced by S. Stewart-Peregoy (by request of the Water Policy Interim Committee), referred to Natural Resources.
HB 165, introduced by G. Hertz, referred to Judiciary.
HB 223, introduced by G. Custer, L. Jones, referred to Business, Labor, and Economic Affairs.
HB 237, introduced by R. Ehli, referred to Judiciary.
HB 240, introduced by K. White, referred to Fish and Game.
HB 277, introduced by M. Regier, referred to Judiciary.
HB 278, introduced by M. Regier, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 5, introduced by K. McCarthy, J. Bachmeier, A. Curtis, J. Eck, J. Fleming, T. Jacobson, J. Karjala, K. Kelker, G. Kipp, R. Lynch, S. Morigeau, R. Peppers, C. Schreiner, B. Smith, S. Webber, J. Windy Boy, D. Ankney, J. Gross, M. MacDonald, M. McNally, D. Sands, J. Small, F. Smith, J. Welborn, L. Whitford, referred to State Administration.

Senator Caferro joined the Senate at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Thomas moved consideration of **SB 72** be placed below item #7 (SB 59) on the second reading agenda. Without objection, so ordered.

HB 88 - Senator Salomon moved **HB 88** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 - Senator Facey moved **HB 120** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 122 - Senator Connell moved **HB 122** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 132 - Senator Fitzpatrick moved **HB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 197 - Senator F. Smith moved **HB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas,

Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinebauch.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 59 - Senator Wolken moved **SB 59** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Hinebauch, Vance, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 72 - Senator Connell moved **SB 72** do pass.

SB 72 - Senator Connell moved **SB 72**, second reading copy, be amended as follows:

1. Page 5, line 20 through line 21.
Following: "FROM THE" on line 20
Strike: "TRUST" on line 20 through "ESTABLISHED IN 77-1-108" on line 21
Insert: "search and rescue account established in 10-3-801"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 72 - Senator Fitzpatrick moved **SB 72**, second reading copy, be amended as follows:

1. Page 1, line 28.
Following: "(b)"
Insert: "(i)"

2. Page 1, line 29.
Following: "7-33-4109"
Strike: "."
Insert: "who, during the course and scope of the firefighter's duties, inhaled smoke or particles in sufficient quantities to have reasonably caused a presumptive disease.

(ii) The term does not apply to a firefighter whose course and scope of firefighting duties were clerical, did not involve close proximity to fires and smoke, or otherwise did not include inhaling smoke or particles in sufficient quantities to have reasonably caused a presumptive disease."

Amendment adopted as follows:

Yeas: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 25

Nays: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 72 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 60 - Senator Wolken moved **SB 60** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Hinebauch, Hinkle, Smith C, Vance, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 40 - Senator Swandal moved **HB 40** be concurred in. Motion carried as follows:

Yeas: Barrett, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Whitford, Wolken.
Total 35

Nays: Ankney, Blasdel, Brown, Buttrey, Hinkle, Kary, Regier, Smith C, Tempel, Vance, Vincent,

Webb, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 74 - Senator Barrett moved **HB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 67 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 71 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 82 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 107 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 3 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 39 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 42 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas that **SB 72** and **SB 60**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel introduced the Pages for the coming week:

Danae Fipula Ankney from Laurel, sponsored by Senator Ankney
Dania Jones from Conrad, sponsored by Senator Jones
Joseph Tillotson from Townsend, sponsored by President Sales

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 31, 2017, the 22nd legislative day. Motion carried.

Senate adjourned at 2:35 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 31, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Connell. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senator Phillips excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/31/2017

Correctly printed: **SB 59**, **SB 60**, **SB 166**, **SB 167**, **SB 168**, **SB 169**, **SB 170**, **SJ 7**, **SR 22**, **SR 23**, **SR 24**, **SR 25**, **HB 40**, **HB 74**, **HB 88**, **HB 120**, **HB 122**, **HB 132**, **HB 197**.
Correctly engrossed: **SB 48, SB 72**, **SB 135**.
Correctly enrolled: **SB 5**, **SB 70**.
Transmitted to the House: **SB 67**, **SB 71**, **SB 82**, **SB 100**, **SB 107**, **SJ 3**, **HB 39**, **HB 42**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/30/2017
SB 135, introduced bill, be amended as follows:

1. Page 1, line 9.
Strike: "The legislature"
Insert: "the Legislature"

2. Page 1, line 30.
Following: "organization."
Insert: "The office of public instruction shall annually notify high school and K-12 school districts during the month of August in writing or electronically of the availability and any updating of the guidance and program of study under subsection (1)."

3. Page 2, line 5.
Strike: "instruction"
Insert: "study"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/31/2017
SB 97, introduced bill, be amended as follows:

1. Page 3, line 9.

Following: "adjudicating"
Strike: ","

And, as amended, do pass.

SB 117, do pass.

LOCAL GOVERNMENT (Webb, Chair): 1/30/2017
SB 142, do pass.
HB 221, be concurred in.

NATURAL RESOURCES (Vincent, Chair): 1/30/2017
SB 48, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "A CONTINGENT"
Strike: "DATE"
Insert: "DATES"

2. Page 1, line 19.
Strike: "Contingent effective date"
Insert: "Effective date -- contingency"

3. Page 1, line 19 through page 20.
Strike: "contingent" on line 19 through "order" on line 20
Insert: "on the later of:
(1) July 1, 2019; or
(2) the date that a U.S. supreme court order is issued"

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/30/2017
SB 96, introduced bill, be amended as follows:

1. Title, page 1, line 11.
Following: "SECTIONS"
Insert: "33-18-201, 33-18-209, 33-18-242,"

2. Page 1, line 15.
Insert: "Section 1. Section 33-18-201, MCA, is amended to read:
"33-18-201. Unfair claim settlement practices prohibited. A person may not, with such frequency as to indicate a general business practice, do any of the following:
(1) misrepresent pertinent facts or insurance policy provisions relating to coverages at issue;
(2) fail to acknowledge and act reasonably promptly upon communications with respect to

claims arising under insurance policies;

(3) fail to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(4) refuse to pay claims without conducting a reasonable investigation based upon all available information;

(5) fail to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(6) neglect to attempt in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear;

(7) compel insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by the insureds;

(8) attempt to settle a claim for less than the amount to which a reasonable person would have believed the person was entitled by reference to written or printed advertising material accompanying or made part of an application;

(9) attempt to settle claims on the basis of an application that was altered without notice to or knowledge or consent of the insured;

(10) make claims payments to insureds or beneficiaries not accompanied by statements setting forth the coverage under which the payments are being made;

(11) make known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(12) delay the investigation or payment of claims by requiring an insured, claimant, or physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(13) fail to promptly settle claims, if liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; ~~or~~

(14) fail to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement; or

(15) fail to comply with the requirements of [section 9]."""

Insert: "Section 2. Section 33-18-209, MCA, is amended to read:

"33-18-209. Exceptions to discrimination and rebates provision. Nothing in 33-18-206 and 33-18-208 shall be construed as including within the definition of discrimination or rebates any of the following practices:

(1) in the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the insurer;

(2) in the case of life insurance policies issued on the industrial debit, preauthorized check, bank draft, or similar plans, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer or by preauthorized check, bank draft, or similar plans, in an amount which fairly represents the saving in collection

expense;

(3) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(4) reduction of premium rate for policies of large amount but not exceeding savings in issuance and administration expenses reasonably attributable to such policies as compared with policies of similar plan issued in smaller amounts;

(5) issuing life or disability insurance policies on a salary savings or payroll deduction plan at reduced rate reasonably commensurate with the savings made by the use of such plan;

(6) providing incentive payments pursuant to [section 10]."""

Insert: "Section 3. Section 33-18-242, MCA, is amended to read:

"33-18-242. Independent cause of action -- burden of proof. (1) An insured or a third-party claimant has an independent cause of action against an insurer for actual damages caused by the insurer's violation of subsection (1), (4), (5), (6), (9), ~~or~~ (13), or (15) of 33-18-201.

(2) In an action under this section, a plaintiff is not required to prove that the violations were of such frequency as to indicate a general business practice.

(3) An insured who has suffered damages as a result of the handling of an insurance claim may bring an action against the insurer for breach of the insurance contract, for fraud, or pursuant to this section, but not under any other theory or cause of action. An insured may not bring an action for bad faith in connection with the handling of an insurance claim.

(4) In an action under this section, the court or jury may award such damages as were proximately caused by the violation of subsection (1), (4), (5), (6), (9), ~~or~~ (13), or (15) of 33-18-201. Exemplary damages may also be assessed in accordance with 27-1-221.

(5) An insurer may not be held liable under this section if the insurer had a reasonable basis in law or in fact for contesting the claim or the amount of the claim, whichever is in issue.

(6) (a) An insured may file an action under this section, together with any other cause of action the insured has against the insurer. Actions may be bifurcated for trial where justice so requires.

(b) A third-party claimant may not file an action under this section until after the underlying claim has been settled or a judgment entered in favor of the claimant on the underlying claim.

(7) The period prescribed for commencement of an action under this section is:

(a) for an insured, within 2 years from the date of the violation of 33-18-201; and

(b) for a third-party claimant, within 1 year from the date of the settlement of or the entry of judgment on the underlying claim.

(8) As used in this section, an insurer includes a person, firm, or corporation utilizing self-insurance to pay claims made against them.""

Renumber: subsequent sections

3. Page 2, line 24.
Following: "(5)"
Insert: "(a)"

4. Page 2, line 25 through line 26.
Strike: "entity" on line 25 through "111-152," on line 26

5. Page 2, line 28.
Following: line 28
Insert: "(b) The term includes the state employee group insurance program established in Title 2, chapter 18, part 8, and the Montana university system group benefit plans established in Title 20, chapter 25, part 13."

6. Page 2, line 30.
Strike: "7"
Insert: "10"

7. Page 3, line 2.
Strike: "7"
Insert: "10"

8. Page 3, line 11.
Strike: "as provided"
Insert: "that are not prohibited"

9. Page 3, line 19.
Strike: "facility"

10. Page 3, line 21.
Strike: "facility"

11. Page 3, line 27.
Strike: "facility"

12. Page 4, line 5.
Strike: "8"
Insert: "11"

13. Page 5, line 7.
Following: "as if"
Insert: "it"

14. Page 5, line 11.
Strike: "7 through 10"
Insert: "10 through 13"

15. Page 5, line 15 through line 16.
Strike: "7 through 10"
Insert: "10 through 13"

16. Page 6, line 11.
Following: "estimate."

Insert: "(5) Failure by a health insurer to adhere to the requirements of this section is an unfair trade practice for the purposes of Title 33, chapter 18."

17. Page 6, line 20.
Following: "payment"
Insert: "or other acceptable form of payment"

18. Page 7, line 4.
Strike: "may"
Insert: "shall"

19. Page 7, line 6.
Following: "approved."
Insert: "If the commissioner takes no action on the filing within 60 days of receipt of the filing, the filing is considered to be approved."

20. Page 7, line 15.
Strike: "7"
Insert: "10"

21. Page 7, line 23.
Strike: "7"
Insert: "10"

22. Page 8, line 6.
Following: line 6
Insert: "(3) acceptable forms of incentive payments;"
Renumber: subsequent subsections

23. Page 8, line 7.
Following: "description;"
Strike: "and"

24. Page 8, line 8.
Strike: "[section 9]"
Insert: "[section 12]; and (6) content and functionality of websites, interactive mechanisms, or third-party products for shoppable health care services established pursuant to [section 11]"

25. Page 8, line 12.
Strike: "7"
Insert: "10"

26. Page 8, line 17.
Strike: "7 through 10"
Insert: "10 through 13"

27. Page 8, line 19.
Strike: "7 through 10"
Insert: "10 through 13"

28. Page 8, line 20.
Strike: "11"
Insert: "14"

29. Page 8, line 21.
Strike: "11"
Insert: "14"

And, as amended, do pass.

TAXATION (Blasdel, Chair): 1/31/2017
SR 9, be adopted.
SR 12, be adopted.
HB 18, be amended as follows:

1. Page 2, line 22.
Following: "~~sale~~"
Insert: ", that failure to respond will result in loss of property,"

And, as amended, be concurred in.

HB 43, be concurred in.
HB 63, be concurred in.
HB 115, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 1/30/2017

SB 5, introduced by T. Facey
SB 70, introduced by G. Vuckovich

House bills passed and transmitted to the Senate for concurrence: 1/30/2017

HB 202, introduced by K. Wagoner
HB 214, introduced by B. Brown
HB 241, introduced by A. Doane
HB 267, introduced by F. Garner

House joint resolutions passed and transmitted to the Senate for concurrence: 1/30/2017

HJ 1, introduced by K. Kelker
HJ 3, introduced by Z. Brown

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 171, introduced by C. Smith, referred to Fish and Game.
SB 172, introduced by M. Lang, A. Olszewski, referred to Judiciary.
SB 173, introduced by J. Cohenour, T. Facey, S. Hinebauch, E. McClafferty, M. McNally, M. Phillips, C. Smith, C. Vincent, J. Welborn, K. White, referred to Fish and Game.
SB 174, introduced by R. Webb, referred to Judiciary.
SB 175, introduced by R. Webb, referred to Judiciary.
SB 176, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.
SB 177, introduced by R. Webb, referred to Local Government.
SB 178, introduced by N. Swandal, referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 26, introduced by D. Brown, referred to State Administration.
SR 27, introduced by D. Brown, referred to State Administration.
SR 28, introduced by D. Brown, referred to State Administration.
SR 29, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 30, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 31, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 32, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 33, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 34, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 35, introduced by D. Salomon, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 202, introduced by K. Wagoner, referred to Judiciary.
HB 214, introduced by B. Brown, referred to Fish and Game.
HB 241, introduced by A. Doane, K. Abbott, F. Anderson, J. Bachmeier, N. Ballance, D. Bartel, B. Beard, B. Bennett, S. Berglee, L. Bishop, R. Brodehl, B. Brown, Z. Brown, T. Burnett, V. Court, W. Curdy, A. Curtis, G. Custer, K. Dudik, M. Dunwell, J. Eck, J. Ellis, J. Essmann, D. Fern, R. Fitzgerald, J. Fleming, K. Flynn, M. Funk, W. Galt, F. Garner, C. Glimm, E. Greef, B. Grubbs, J. Hamilton, B. Hamlett, B. Harris, D. Hayman, A. Hertz, G. Hertz, E. Hill Smith, K. Holmlund, M. Hopkins, T. Jacobson, D. Jones, J. Karjala, J. Keane, K. Kelker, G. Kipp, J. Knokey, C. Knudsen, S. Lavin, D. Lenz, D. Loge, R. Lynch, F. Mandeville, T. Manzella, K. McCarthy, N. McConnell, W. McKamey, S. Morigeau, D. Mortensen, M. Noland, J. O'Hara, A. Olsen, J. Patelis, R. Peppers, Z.

Perry, G. Pierson, J. Price, A. Redfield, K. Regier, M. Regier, V. Ricci, A. Rosendale, M. Ryan, S. Sales, C. Schreiner, R. Shaw, L. Sheldon-Galloway, D. Skees, B. Smith, S. Staffanson, S. Stewart-Peregoy, K. Swanson, J. Trebas, B. Tschida, B. Usher, S. Vinton, K. Wagoner, P. Webb, S. Webber, T. Welch, K. White, J. Windy Boy, T. Woods, D. Zolnikov, Cook, Cuffe, and Ehli, referred to Highways and Transportation.
HB 267, introduced by F. Garner, D. Fern, E. Greef, referred to Highways and Transportation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 1, introduced by K. Kelker (by request of the School Funding Interim Commission), referred to Education and Cultural Resources.
HJ 3, introduced by Z. Brown, A. Redfield, C. Vincent, Redfield, Redfield, Vincent, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 27 - Senator Thomas moved **SB 27** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 16 - Senator Facey moved **HB 16** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 25 - Senator D. Brown moved **HB 25** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 113 - Senator Facey moved **HB 113** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

SB 124 - Senator McClafferty moved **SB 124** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Olszewski, Smith C, Vance, Vincent, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 12 - Senator Connell moved **SB 12** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 50 - Senator Pomnichowski moved **SB 50** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald,

Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Brown, Tempel, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 51 - Senator Facey moved **SB 51** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 91 - Senator Hinkle moved **SB 91** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 39

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, McClafferty, Pomnichowski, Whitford, Wolken.
Total 9

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

Majority Leader Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 59 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Hinebauch, Vance, Mr.President.
Total 3

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

HB 40 concurred in as follows:

Yeas: Barrett, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 37

Nays: Ankney, Blasdel, Brown, Buttrey, Hinkle, Kary, Regier, Smith C, Vance, Webb, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 74 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 88 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 120 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 122 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

HB 132 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 197 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 2:00 p.m., Wednesday, February 1, 2017, the 23rd legislative day. Motion carried.

Senate adjourned at 2:18 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 1, 2017 — State Capitol

Senate convened at 2:00 p.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senator Olszewski excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/1/2017

Correctly printed: **SB 12**, **SB 27**, **SB 50**, **SB 51**, **SB 91**, **SB 117**, **SB 124**, **SB 142**, **SB 171**, **SB 172**, **SB 173**, **SB 174**, **SB 175**, **SB 176**, **SB 177**, **SB 178**, **SR 9**, **SR 12**, **SR 24**, **SR 26**, **SR 27**, **SR 28**, **SR 29**, **SR 30**, **SR 31**, **SR 32**, **SR 33**, **SR 34**, **SR 35**, **HB 16**, **HB 25**, **HB 43**, **HB 63**, **HB 113**, **HB 115**, **HB 221**.
Correctly engrossed: **SB 96**, **SB 97**, **HB 18**.
Examined by the sponsor and found to be correct: **SB 5**, **SB 70**
Transmitted to the House: **SB 59**, **HB 40**, **HB 74**, **HB 88**, **HB 120**, **HB 122**, **HB 132**, **HB 197**.
Signed by the President at 10:20 a.m., February 1, 2017: **SB 70**.
Signed by the Secretary of the Senate at 10:25 a.m., February 1, 2017: **SB 70**.
Signed by the Speaker at 3:00 p.m., February 1, 2017: **SB 70**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 1/31/2017
SB 55, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "ELIMINATING NURSERY STOCK INSPECTION FEES;"

2. Page 2, line 21.
Following: "department"
Insert: "for each location"

3. Page 3, line 12.
Following: "fees"
Insert: "for each location"

4. Page 3, line 14.
Strike: "$1,000"
Insert: "$5,000"
Strike: "$10 to $15"

Insert: "$25 to $35"

5. Page 3, line 15.
Strike: "$1,001 to $5,000"
Insert: "$5,001 to $75,000"
Strike: "$50 to $75"
Insert: "$135 to $185"

6. Page 3, line 16.
Strike: "$5,001 to $25,000"
Insert: "$75,001 to $150,000"
Strike: "$125 to $175"
Insert: "$200 to $250"

7. Page 3, line 17.
Strike: "$25,001 to $50,000"
Insert: "$150,001 to $250,000"
Strike: "$200 to $250"
Insert: "$300 to $350"

8. Page 3, line 18.
Strike: line 18 in its entirety

9. Page 3, line 19.
Strike: "$100,000"
Insert: "$250,000"
Strike: "$400 to $480"
Insert: "$400 to $450"

10. Page 3, line 20.
Strike: "$100"
Insert: "$150"
Strike: "$150"
Insert: "$200"

11. Page 3.
Following: line 22
Insert: "(c) A sod farmer shall pay a licensee fee of not less than $220 or more than $270."
Renumber: subsequent subsections

12. Page 3, line 27.
Following: "license"
Insert: "for any location"

13. Page 3, line 28.

Strike: "each"
Insert: "the"
Following: "license"
Insert: "for the location"

14. Page 4, line 19.
Insert: "(3) (a) A firm, nursery, or plant dealer may request the inspection of nursery stock, plants, or other materials by giving the department 5 days' notice prior to the time when the nursery stock, plants, or other materials are ready for inspection. The department may collect an inspection fee commensurate with costs as approved by the department by rule.
(b) The department may not charge an inspection fee if other fees imposed pursuant to this part are able to cover the costs of inspections."

And, as amended, do pass.

SB 73, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "PROVIDING AN"
Insert: "IMMEDIATE"

2. Page 2, line 8.
Strike: "July 1, 2017"
Insert: "on passage and approval"

And, as amended, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/1/2017
SB 58, introduced bill, be amended as follows:

1. Page 3, line 16.
Following: "payment by"
Strike: "the"
Insert: "any"

And, as amended, do pass.

SB 116, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.
Following: "STATEMENT" on line 4
Strike: "ON AN EMPLOYMENT" on line 4 through "APPLICATION" on line 5
Insert: "IN AN EMPLOYER-PROVIDED QUESTIONNAIRE"

2. Page 1, line 10.

Strike: "**application or**"

3. Page 1, line 11.
Strike: "either an employment application or"

4. Page 1, line 12.
Following: "employer-provided"
Insert: "written"
Following: "condition"
Insert: "that is relevant to the essential functions of the job"
Following: "following"
Strike: "an"
Insert: "a conditional"

5. Page 1, line 13.
Strike: ", in a case in which the medical condition affects the essential functions of the employee's job,"

6. Page 1, line 16.
Following: "condition"
Insert: "that is relevant to the essential functions of the job"

7. Page 1, line 19.
Following: "between the"
Strike: "false representation"
Insert: "falsely represented condition"
Following: "injury"
Insert: "or occupational disease"

8. Page 1, line 21.
Following: "court"
Insert: "after satisfying the mediation requirements of this chapter"

9. Page 1, line 23 through line 24.
Strike: subsection (3) in its entirety

And, as amended, do pass.

SB 128, do pass.
HB 26, be amended as follows:

1. Page 2, line 18.
Following: "of loans"
Insert: "secured by property in Montana"

And, as amended, be concurred in.

HB 125, be amended as follows:

1. Page 4, line 2 through page 5, line 13.
Strike: subsection (2) through subsection (4) in their entirety
Insert: "(2) The board:
(a) must consist of individuals who fulfill the membership roles and selection criteria required by section 101(b)(1) of the Act, 29 U.S.C. 3111(b)(1); and
(b) may include individuals who fulfill the membership roles and selection criteria permitted by section 101(b)(1) of the Act, 29 U.S.C. 3111(b)(1)."
Renumber: subsequent subsections

And, as amended, be concurred in.

HB 138, be amended as follows:

1. Page 1, line 18 through line 19.
Following: "shall" on line 18
Strike: "file with" on line 18 through "producer" on line 21
Insert: "maintain a copy of each written affiliation agreement for 3 years following termination of the affiliation and make copies of the agreement available to the commissioner upon request"
Renumber: subsequent subsections

And, as amended, be concurred in.

HB 141, be amended as follows:

1. Title, page 1, line 8.
Following: "EFFECTIVE DATE"
Insert: "AND A TERMINATION DATE"

2. Page 6, line 12.
Following: line 11
Insert: "NEW SECTION. **Section 8. Termination.** [This act] terminates July 1, 2021."

And, as amended, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 1/31/2017
SB 93, introduced bill, be amended as follows:

1. Page 1, line 20.
Strike: "660"
Insert: "990"

And, as amended, do pass.

SR 5, be adopted.

FINANCE AND CLAIMS (Jones, Chair): 1/31/2017
HB 3, be amended as follows:

1. Page 1, line 24.
Strike: "$16,500,000"
Insert: "$17,300,000"

2. Page 3, line 20.
Strike: "MARCH 1"
Insert: "MARCH 11"

3. Page 4, line 24.
Following: "provided"
Insert: "in"

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/31/2017
SB 106, do pass.
HB 146, be amended as follows:

1. Page 1, line 20 through line 21.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in.

TAXATION (Blasdel, Chair): 2/1/2017
HB 76, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

1/31/2017

SJ 1, introduced by Thomas

House bills passed and transmitted to the Senate for concurrence: 1/31/2017

HB 112, introduced by D. Fern
HB 183, introduced by K. Flynn
HB 185, introduced by S. Morigeau
HB 208, introduced by K. Wagoner
HB 246, introduced by R. Brodehl
HB 258, introduced by E. Hill Smith
HB 262, introduced by B. Harris

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 179, introduced by S. Fitzpatrick, referred to Judiciary.
SB 180, introduced by M. Lang, M. Blasdel, E. Buttrey, J. Essmann, A. Knudsen, R. Lynch, K. McCarthy, A. Olszewski, S. Sales, F. Thomas, referred to Taxation.
SB 181, introduced by D. Barrett, referred to Taxation.
SB 182, introduced by M. Lang, D. Bartel, J. Essmann, S. Fitzpatrick, J. Keane, T. Richmond, D. Salomon, S. Staffanson, B. Tschida, G. Vance, referred to Highways and Transportation.
SB 183, introduced by J. Welborn, D. Ankney, D. Brown, J. Cohenour, P. Connell, J. Eck, K. Flynn, J. Gross, J. Hinkle, L. Jones, R. Lynch, N. McConnell, R. Osmundson, J. Pomnichowski, T. Richmond, D. Salomon, C. Schreiner, J. Sesso, R. Shaw, C. Smith, N. Swandal, L. Whitford, referred to Fish and Game.
SB 184, introduced by F. Moore, D. Ankney, D. Brown, E. Buttrey, P. Connell, S. Fitzpatrick, T. Gauthier, J. Hinkle, D. Howard, D. Jones, R. Osmundson, K. Regier, T. Richmond, D. Salomon, J. Small, C. Smith, N. Swandal, C. Vincent, J. Welborn, referred to Business, Labor, and Economic Affairs.
SB 185, introduced by D. Kary, A. Doane, B. Hamlett, J. Hinkle, V. Ricci, referred to Fish and Game.
SB 186, introduced by J. Cohenour, Z. Brown, T. Facey, D. Kary, E. McClafferty, M. McNally, C. Smith, C. Wolken, referred to Fish and Game.
SB 187, introduced by J. Cohenour, T. Facey, M. Phillips, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 112, introduced by D. Fern (by request of the Department of Revenue), referred to Taxation.
HB 183, introduced by K. Flynn, Z. Brown, G. Custer, T. Manzella, W. McKamey, B. Smith, referred to Fish and Game.
HB 185, introduced by S. Morigeau, K. Abbott, B. Bennett, Z. Brown, A. Curtis, K. Dudik, M. Dunwell, J. Eck, J. Fleming, M. Hopkins, G. Kipp, R. Lynch, K. McCarthy, N. McConnell, A. Olsen, Z. Perry, G. Pierson, M. Ryan, D. Salomon, D. Sands, C. Schreiner, R. Shaw, J. Small, S. Stewart-Peregoy, S. Webber, J. Welborn, T. Woods, referred to Education and Cultural Resources.
HB 208, introduced by K. Wagoner, D. Kary, referred to Judiciary.
HB 246, introduced by R. Brodehl, N. Ballance, D. Bartel, B. Brown, R. Ehli, D. Fern, C. Glimm, B. Grubbs, B. Hamlett, B. Harris, G. Hertz, K. Holmlund, M. Hopkins, D. Jones, J. Patelis, B. Tschida,

referred to Judiciary.
HB 258, introduced by E. Hill Smith, referred to Judiciary.
HB 262, introduced by B. Harris, B. Brown, R. Ehli, W. Galt, F. Garner, A. Knudsen, C. Knudsen, D. Lenz, D. Mortensen, A. Redfield, V. Ricci, D. Skees, S. Vinton, K. Wagoner, K. White, referred to Judiciary.

Senator Olszewski joined the Senate at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pomnichowski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 45 - Senator MacDonald moved **SB 45** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 - Senator Wolken moved **SB 63** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 65 - Senator Wolken moved **SB 65** do pass.

SB 65 - Senator Vincent moved **SB 65**, second reading copy, be amended as follows:

1. Title, page 1, line 12.
Following: "CONTROL;"
Insert: "PROHIBITING THE DEPARTMENT AND THE BOARD FROM USING FEDERAL FUNDS FOR THE GRANT PROGRAM OR HOUSING ASSISTANCE;"

2. Page 2, line 13.
Strike: "and federal funds"

3. Page 2, line 16.
Strike: "The"
Insert: "Except as provided in subsection (5)(c), the"

4. Page 2, line 18.
Insert: "(c) The board may not accept or use federal funds to develop or administer the supportive housing grant program."

5. Page 2, line 26.
Insert: "(3) The department may not accept or use federal funds to develop or administer the voucher program."

Amendment adopted as follows:

Yeas: Ankney, Blasdel, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 26

Nays: Barrett, Brown, Buttrey, Caferro, Cohenour, Facey, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 65 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 64 - Senator Wolken moved **SB 64** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 41

Nays: Brown, Connell, Fitzpatrick, Gauthier, Howard, Vance, Welborn, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 12 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 27 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier,

Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 35

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 50 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Brown, Tempel.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 51 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 91 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, McClafferty, Pomnichowski, Vuckovich, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 124 passed as follows:

Yeas: Ankney, Barrett, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Hinebauch, Howard, Kary, Keenan, Olszewski, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 16 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 25 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 113 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 64**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, February 2, 2017, the 23rd legislative day. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 2, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Ankney. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/2/2017
Correctly printed: **SB 45**, **SB 63**, **SB 64**, **SB 106**, **SB 128**, **SB 179**, **SB 180**, **SB 181**, **SB 182**, **SB 183**, **SB 184**, **SB 185**, **SB 186**, **SB 187**, **SR 5**, **SR 32**, **HB 76**.
Correctly engrossed: **SB 42**, **SB 55**, **SB 58**, **SB 65**, **SB 73**, **SB 93**, **SB 116**, **HB 3**, **HB 26**, **HB 125**, **HB 138**, **HB 141**, **HB 146**, **HB 191**.
Correctly enrolled: **SB 13**.
Examined by the sponsor and found to be correct: **SB 13**.
Transmitted to the House: **SB 12**, **SB 27**, **SB 50**, **SB 51**, **SB 91**, **SB 124, HB 16**, **HB 25**, **HB 113**.
Signed by the President at 2:30 p.m., February 2, 2017: **SB 5**.
Signed by the Secretary of the Senate at 2:50 p.m., February 2, 2017: **SB 5**.
Delivered to the Governor at 9:45 a.m., February 2, 2017: **SB 70**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/1/2017
HB 191, be amended as follows:

1. Page 2, line 14.
Strike: "$309,554"
Insert: "$306,897"
Strike: "$312,650"
Insert: "$312,636"

2. Page 2, line 16.
Strike: "$309,554"
Insert: "$306,897"
Strike: "$312,650"
Insert: "$312,636"

3. Page 2, line 18.
Strike: "$15,478"
Insert: "$15,345"

Strike: "$15,633"
Insert: "$15,632"

4. Page 2, line 22.
Strike: "$51,592"
Insert: "$51,149"
Strike: "$52,108"
Insert: "$52,105"

5. Page 2, line 24.
Strike: "$51,592"
Insert: "$51,149"
Strike: "$52,108"
Insert: "$52,105"

6. Page 2, line 26.
Strike: "$2,580"
Insert: "$2,558"

7. Page 3, line 1.
Strike: "$51,592"
Insert: "$51,149"
Strike: "$52,108"
Insert: "$52,105"

8. Page 3, line 3.
Strike: "$51,592"
Insert: "$51,149"
Strike: "$52,108"
Insert: "$52,105"

9. Page 3, line 5.
Strike: "$2,580"
Insert: "$2,558"

10. Page 3, line 9.
Strike: "$103,185"
Insert: "$102,299"
Strike: "$104,217"
Insert: "$104,212"

11. Page 3, line 12.
Strike: "$103,185"
Insert: "$102,299"

Strike: "$104,217"
Insert: "$104,212"

12. Page 3, line 14.
Strike: "$5,160"
Insert: "$5,115"
Strike: "$5,212"
Insert: "$5,211"

13. Page 4, line 15.
Strike: "$212"
Insert: "$210"

14. Page 4, line 20.
Strike: "$21.54"
Insert: "$21.36"

15. Page 4, line 25.
Strike: "$7,065"
Insert: "$7,005"

16. Page 4, line 30.
Strike: "$5,519"
Insert: "$5,471"
Strike: "$5,574"
Insert: "$5,573"

17. Page 5, line 5.
Strike: "$5,519"
Insert: "$5,471"
Strike: "$5,574"
Insert: "$5,573"

18. Page 5, line 9.
Strike: "$7,065"
Insert: "$7,005"

19. Page 5, line 14.
Strike: "$20.64"
Insert: "$20.46"
Strike: "$20.85"
Insert: "$20.84"

20. Page 5, line 17.
Strike: "$3,212"

Insert: "$3,185"
Strike: "$3,244"
Insert: "$3,245"

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 1/31/2017
SB 119, do pass.
HB 150, be concurred in.

LOCAL GOVERNMENT (Webb, Chair): 2/1/2017
SR 15, be adopted.

NATURAL RESOURCES (Vincent, Chair): 2/1/2017
SB 42, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "ADJUSTMENTS;"
Insert: "AND"

2. Page 6, line 8.
Strike: "location"
Insert: "siting corridor"

3. Page 6, line 10.
Strike: "location"
Insert: "siting corridor"

4. Page 6, line 18.
Strike: "location"
Insert: "siting corridor"

5. Page 6.
Following: line 24
Insert: "(d) (i) For each facility, the department shall maintain a list of persons who requested to receive electronic notice of any adjustment submitted pursuant to this subsection (6).
(ii) Upon receipt of a submitted adjustment, the department shall:
(A) post information about the adjustment on the department's website; and
(B) electronically notify each person identified in subsection (6)(d)(i) of the adjustment and where information about the adjustment may be viewed."

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/1/2017
HB 105, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/1/2017
SB 121, do pass.
SB 140, do pass.
HB 67, be concurred in.
HB 68, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/1/2017

SB 13, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence: 2/1/2017

HB 64, introduced by K. Dudik
HB 93, introduced by F. Garner
HB 129, introduced by E. Hill Smith
HB 193, introduced by T. Woods
HB 233, introduced by R. Ehli
HB 247, introduced by K. Dudik
HB 251, introduced by K. Wagoner
HB 273, introduced by B. Usher

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 188, introduced by K. Regier, referred to Local Government.
SB 189, introduced by K. Regier, referred to Local Government.
SB 190, introduced by M. Phillips, referred to Natural Resources.
SB 191, introduced by L. Whitford, referred to Taxation.
SB 192, introduced by N. Swandal, referred to Public Health, Welfare and Safety.
SB 193, introduced by D. Ankney, M. Caferro, referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 8, introduced by M. Phillips, referred to Fish and Game.
SJ 9, introduced by M. Phillips, referred to Fish and Game.
SJ 10, introduced by M. Lang, D. Ankney, R. Brodehl, R. Cook, M. Cuffe, G. Custer, S. Fitzpatrick,

W. Galt, B. Harris, S. Hinebauch, K. Holmlund, D. Kary, J. Keane, A. Knudsen, R. Lynch, F. Moore, D. Mortensen, R. Osmundson, V. Ricci, T. Richmond, D. Salomon, S. Staffanson, R. Tempel, R. Webb, J. Welborn, K. White, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 64, introduced by K. Dudik (by request of the Supreme Court), referred to Judiciary.
HB 93, introduced by F. Garner (by request of the Department of Justice), referred to Judiciary.
HB 129, introduced by E. Hill Smith (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 193, introduced by T. Woods, D. Zolnikov, referred to Energy and Telecommunications.
HB 233, introduced by R. Ehli, M. Blasdel, E. Buttrey, J. Cohenour, K. McCarthy, M. McNally, F. Thomas, R. Webb, referred to Public Health, Welfare and Safety.
HB 247, introduced by K. Dudik, B. Bennett, R. Brodehl, B. Brown, M. Hopkins, T. Jacobson, C. Knudsen, R. Lynch, R. Osmundson, G. Pierson, referred to Judiciary.
HB 251, introduced by K. Wagoner, referred to Judiciary.
HB 273, introduced by B. Usher, S. Berglee, B. Brown, D. Kary, C. Knudsen, D. Mortensen, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 118 - Senator McNally moved **SB 118** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 123 - Senator Swandal moved **SB 123** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 97 - Senator K. Regier moved **SB 97** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 221 - Senator Facey moved **HB 221** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 142 - Senator Facey moved **SB 142** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 41

Nays: Blasdel, Fielder, Hinebauch, Howard, Keenan, Olszewski, Smith C, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 48 - Senator Vincent moved **SB 48** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, McNally, Moore, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Welborn.
Total 29

Nays: Caferro, Cohenour, Facey, Gross, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Olszewski, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Caferro, MacDonald, Phillips, Sesso, Smith F.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 45 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 48**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to re-refer **SB 176** from the Business, Labor, and Economic Affairs Committee, and **SB 177** from the Local Government Committee, to the Judiciary Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 3, 2017, the 25th legislative day. Motion carried.

Senate adjourned at 2:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 3, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Thomas. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/3/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth, seventeenth, eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Correctly printed: **SB 97**, **SB 118**, **SB 119**, **SB 121**, **SB 123**, **SB 140**, **SB 142**, **SB 188**, **SB 189**, **SB 190**, **SB 191**, **SB 192**, **SB 193**, **SJ 8**, **SJ 9**, **SJ 10**, **SR 15**, **HB 67**, **HB 68**, **HB 105**, **HB 150**, **HB 221**.
Correctly engrossed: **SB 86**, **SB 144**, **HB 55**.
Correctly enrolled: **SB 56**, **SB 84**.
Transmitted to the House: **SB 45**, **SB 63**.
Signed by the Speaker at 8:15 a.m., February 3, 2017: **SB 5**.
Delivered to the Governor for approval at 9:26 a.m., February 3, 2017: **SB 5**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/3/2017
SB 165, do pass.
HB 80, be concurred in.
HB 166, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/2/2017
SB 86, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "DATE"
Insert: " AND AN APPLICABILITY DATE"

2. Page 5.
Following: line 4

Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to projects approved by the board of oil and gas conservation on or after [the effective date of this act]."

And, as amended, do pass.

SR 14, be adopted.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/2/2017
HB 41, be amended as follows:

1. Page 1, line 26 through line 27.
Strike: "80 feet in length" on line 26 through "rear overhang" on line 27
Insert: "the length limitation established in 49 U.S.C. 31111"

And, as amended, be concurred in.

HB 55, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "ALLOWING THE DEPARTMENT" on line 5 through "STATE AGENCY;" on line 7

2. Title, page 1, line 8.
Strike: "SECTIONS 60-4-202 AND"
Insert: "SECTION"

3. Page 1, line 12 through page 2, line 7.
Strike: section 1 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 2/2/2017
SB 144, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: "if"
Insert: "any of the following is true"

2. Page 1, line 16.
Strike: "or"

And, as amended, do pass.

SR 19, be adopted.

JUDICIARY (Regier, Chair): 2/3/2017
SR 18, be adopted.
SR 22, be adopted.
HB 59, be amended as follows:

1. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 5.
Following: line 14
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

HB 65, be concurred in.
HB 87, be concurred in.
HB 89, be concurred in.
HB 111, be concurred in.
HB 135, be amended as follows:

1. Title, line 9.
Strike: "AND"

2. Title, line 10.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 4.
Following: line 28
Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 2, 2017

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena MT 59620

Dear Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 1 (HB 1), "AN ACT APPROPRIATING MONEY FOR THE OPERATION OF THE CURRENT AND SUBSEQUENT LEGISLATURE; AMENDING SECTION 1, CHAPTER 1, LAWS OF 2015; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Montana's economy is growing and has never been as diverse as it is today. It is growing because we are investing in our students. And it is growing because we are supporting our businesses and our workers. That is not to say there are no challenges. Global commodity prices are down--a force that affects states across the West.

In light of these economic challenges, over the interim I directed my agencies to curb spending and my administration saved just over $100 million from state spending. The budget I proposed to the 65th Legislature is built on a responsible mix of spending cuts and revenue enhancers. It held government spending over the biennium to an inflationary increase of 1.46 percent.

To date, the legislature has rejected the balanced budget I submitted and has proposed additional cuts to critical services across Montana. Cuts that are felt most deeply by our seniors, school kids and public safety officers.

At the same time the legislature is proposing these irresponsible cuts, the very first bill it delivered to my desk would increase spending for the legislative branch by 14 percent. The bill would use tax payer dollars for things like staff salary increases and legislative travel.

Legislative leadership often expresses concerns about the growth of government and repeats the refrain that government must live within its means. To that end, the executive branch has fewer employees today than we did when I first took office. The executive branch is doing more with less.

When Montana families are faced with challenging financial times they do not have the luxury of increasing their spending by 14 percent. As a Governor faced with tough financial decisions I tightened the state's belt and proposed a budget that does not grow beyond inflation. The legislature needs to make fiscally responsible decisions and play by the same rules they expect for the rest of government. I am therefore proposing amendments that would hold legislative growth to the rate of inflation.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to House Bill No. 1
2nd Reading - - 2nd House Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Susan Byorth Fox
February 2, 2017 (10:33 am)

1. Title, line 6.
Strike: "AMENDING SECTION 1, CHAPTER 1, LAWS OF 2015;"

2. Page 1, line 15.
Strike: "$3,799,565"
Insert: "$3,481,717"

3. Page 1, line 16.
Strike: "$6,121,251"
Insert: "$5,596,209"

4. Page 1, line 17.
Strike: "$1,127,776"
Insert: "$653,346"

5. Page 1, line 25 through page 2, line 11.
Strike: section 2 in its entirety
Renumber: subsequent sections

- END -

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/2/2017

SB 56, introduced by M. MacDonald
SB 84, introduced by S. Hinebauch

House bills passed and transmitted to the Senate for concurrence: 2/2/2017

HB 71, introduced by W. McKamey
HB 231, introduced by P. Webb
HB 232, introduced by K. Holmlund
HB 261, introduced by F. Garner

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 194, introduced by M. Lang, R. Osmundson, R. Tempel, G. Vance, referred to Highways and Transportation.
SB 195, introduced by P. Connell, M. Blasdel, E. Buttrey, T. Facey, S. Fitzpatrick, B. Keenan, T. Richmond, F. Thomas, J. Welborn, referred to Business, Labor, and Economic Affairs.
SB 196, introduced by S. Fitzpatrick, S. Lavin, referred to Highways and Transportation.
SB 197, introduced by T. Gauthier, D. Ankney, B. Beard, J. Gross, B. Hamlett, J. Welborn, referred to Judiciary.
SB 198, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 199, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 200, introduced by E. Buttrey, referred to Judiciary.
SB 201, introduced by J. Hinkle, J. Fielder, J. Small, C. Smith, referred to Energy and Telecommunications.
SB 202, introduced by J. Hinkle, D. Ankney, B. Beard, E. Buttrey, P. Connell, J. Fielder, T. Gauthier, D. Kary, J. Knokey, M. Lang, K. Regier, T. Richmond, D. Skees, J. Small, C. Smith, B. Tschida, C. Vincent, J. Welborn, referred to Judiciary.
SB 203, introduced by N. Swandal, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 204, introduced by G. Vuckovich, M. Caferro, V. Court, T. Facey, B. Hamlett, J. Keane, E. McClafferty, D. Sands, J. Sesso, F. Smith, K. Swanson, J. Windy Boy.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 11, introduced by K. Regier, M. Blasdel, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 71, introduced by W. McKamey (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Public Health, Welfare and Safety.
HB 231, introduced by P. Webb, referred to Judiciary.
HB 232, introduced by K. Holmlund, F. Anderson, D. Bartel, B. Beard, B. Brown, A. Doane, J. Ellis, F. Garner, D. Loge, F. Mandeville, A. Olsen, D. Skees, S. Staffanson, referred to Education and

Cultural Resources.
HB 261, introduced by F. Garner, K. Dudik, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 191 - Senator Vincent moved **HB 191** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Olszewski.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 117 - Senator R. Webb moved **SB 117** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 1 HA - Majority Leader Thomas moved consideration of **House amendments to SJ 1** be placed at the top of the remaining second reading board. Without objection, so ordered.

SJ 1 HA - Senator Thomas moved **House amendments to SJ 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Phillips excused at this time.

HB 18 - Senator Hoven moved **HB 18** be concurred in.

HB 18 - Senator Hoven moved **HB 18**, second reading copy, be amended as follows:

1. Page 25, line 8.
Following: line 7
Insert: "IF YOU DO NOT RESPOND TO THIS NOTICE, YOU WILL LOSE YOUR PROPERTY."

2. Page 25, line 28 through line 29.
Strike: "or on" on line 25 through "otherwise issue a tax deed," on line 29

3. Page 25, line 30 through page 26, line 1.
Strike: "or on" on page 25, line 30 through "deed" on page 26, line 1

4. Page 26, line 12.
Following: "Signature" on line 11
Insert: "IF YOU DO NOT RESPOND TO THIS NOTICE, YOU WILL LOSE YOUR

PROPERTY."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 18 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 43 - Senator Blasdel moved **HB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 63 - Senator Cohenour moved **HB 63** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 115 - Senator Hoven moved **HB 115** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.

Total 1

SR 9 - Senator Blasdel moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 9**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SR 12 - Senator Blasdel moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SR 5 - Senator Ankney moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 5**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek,

McClafferty, McNally, Moore, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Brown, Fielder, Keenan, Olszewski, Swandal, Thomas, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 76 - Senator Barrett moved **HB 76** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 129 - Senator Caferro moved **SB 129** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Hinebauch, Moore, Webb.
Total 3

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

SB 96 - Senator C. Smith moved **SB 96** do pass. Senator Olszewski expressed a conflict of interest before voting. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken.
Total 35

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, McNally, Moore, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Cohenour, Kary, Malek, McClafferty, Olszewski, Smith F.
Total 6

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

MESSAGES FROM THE OTHER HOUSE

Governor's Amendments to House bills not concurred in: 2/3/2017

HB 1, introduced by N. Ballance

MOTIONS

Majority Leader Thomas moved that consideration of the **Governor's amendments to HB 1** be placed on second reading this day. Without objection so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 1 - **Governor's Amendments** - Senator L. Jones moved **Governor's amendments to HB 1** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Sands, Sesso, Vuckovich, Whitford.
Total 13

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 65 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Hinkle, Howard, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 97 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 27

Nays: Barrett, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 118 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 123 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.

Total 1

SB 142 passed as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 38

Nays: Blasdel, Fielder, Hinebauch, Howard, Keenan, Olszewski, Regier, Smith C, Vincent, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 221 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

MOTIONS

Majority Leader Thomas moved that **HB 191**, heard on second reading this date, and **HB 3**, currently on the second reading board, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 233** be taken from the Public Health, Welfare, and

Safety Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 41** be taken from the second reading board and re-referred to the Highways and Transportation Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 96**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 6, 2017, the 26th legislative day. Motion carried.

Senate adjourned at 3:28 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 6, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Montana Supreme Court Justice Laurie McKinnon administered the Oath of Office to Senator Carlie Boland. Senator Boland, representing Senate District 12, was appointed to replace Senator Mary Moe who resigned in January.

BILLS AND JOURNALS (Keenan, Chair): 2/6/2017
Correctly printed: **SB 117**, **SB 129**, **SB 165**, **SB 194**, **SB 195**, **SB 196**, **SB 197**, **SB 198**, **SB 199**, **SB 200**, **SB 201**, **SB 202**, **SB 203**, **SJ 11**, **SR 14**, **SR 19**, **HB 43**, **HB 63**, **HB 76**, **HB 80**, **HB 115**, **HB 166**.
Correctly engrossed: **HB 18**, **HB 41**, **HB 59**, **HB 135**.
Correctly enrolled: **SB 77**, **SR 5**, **SR 9**, **SR 12**.
Examined by the sponsor and found to be correct: **SB 56**, **SB 84**.
Transmitted to the House: **SB 65**, **SB 97**, **SB 118**, **SB 123**, **SB 142**, **HB 221**.
Signed by the President at 12:45 p.m., February 6, 2017: **SB 13**.
Signed by the Secretary of the Senate at 12:55 p.m., February 6, 2017: **SB 13**.

Senator Blasdel introduced the Pages for the coming week:
Caroline Roeder from Fort Shaw, sponsored by Senator Fitzpatrick
Tasha Raulston from Helena, sponsored by Senator McClafferty
Tristan Lloyd from Helena, sponsored by Senator Sesso
Jewel Fox from Helena, sponsored by Senator Webb

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/3/2017
SB 44, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "PROHIBITING ANTI-ASSIGNMENT CLAUSES"
Insert: "PROVIDING DISCLOSURES BY AIR AMBULANCE SERVICES"

2. Page 2, line 7.
Strike: "an"

Insert: "a non-Montana hospital-controlled"

3. Page 2, line 9.
Strike: "noncovered"
Insert: "allowed amounts for covered"

4. Page 2, line 26 through line 27.
Following: "shall make payment" on line 26
Strike: "directly" on line 26 through "ambulance service" on line 27

5. Page 2, line 30.
Strike: "highest"
Insert: "median"

6. Page 3, line 2.
Following: "(4)"
Strike: ","

7. Page 3, line 3 through line 4.
Strike: ":" on line 3 through "(a)" on line 4
Insert: ","

8. Page 3, line 4.
Strike: "may by mutual agreement"
Insert: "shall"

9. Page 3, line 5 through line 6.
Following: "through 6]" on line 5
Strike: "; or" on line 5 through "(b)" on line 6
Insert: ". After the independent dispute resolution process is exhausted,"

10. Page 3, line 8.
Strike: "prudent layperson"
Insert: "person"

11. Page 3, line 9.
Strike: "an average"

12. Page 3, line 15.
Following: line 14
Insert: "(7) [Sections 1 through 6] do not apply if a covered person used an air ambulance membership subscription, as provided in 50-6-320, for the services provided by the air ambulance service."

13. Page 3, line 16 through line 19.

Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 3. Disclosures by air ambulance service.** An out-of-network nonhospital-controlled air ambulance service must disclose by July 1 of each year any relationships or financial arrangements with health care providers, insurers, or health plans. This includes but is not limited to employment arrangements, ownership interests, first call agreements, and board memberships. This information must be filed with the department of public health and human services and also posted prominently on the commissioner of insurance's website. The air ambulance service must ensure the continued accuracy of this information throughout the year by submitting written updates within 5 days of any changes to the information."

14. Page 3, line 22.
Strike: "mutually agree under [section 2(5)] to"

15. Page 3, line 26.
Following: "this section is"
Insert: "not"

16. Page 4, line 1 through line 2.
Strike: "as agreed upon" on line 1 through "parties or" on line 2

17. Page 4, line 22.
Following: "service"
Insert: "in Montana"

18. Page 4, line 23.
Following: "service"
Insert: "in Montana"

19. Page 4, line 24.
Strike: "and"

20. Page 4, line 25.
Following: "Montana;"
Insert: "and (v) usually paid by the insurer or health plan for the service provided in Montana;"

21. Page 4, line 26.
Following: "urban context;"
Strike: "and"
Insert: "(d) the applicable medicare rate of payment for the services that are the subject of the claim; and"
Renumber: subsequent subsections

22. Page 5, line 14.
Following: line 13
Insert: "(3) In approving an individual as an independent reviewer, the insurance commissioner

shall ensure that the individual does not have a conflict of interest that would adversely impact the individual's independence and impartiality in rendering a decision in an independent dispute resolution procedure under [sections 4 and 5]. A conflict of interest includes but is not limited to an ownership or direct familial interest in an insurer, a health care provider, or an air ambulance service that may be involved in an independent dispute resolution procedure under [sections 4 and 5].

(4) In approving an individual as an independent reviewer, the insurance commissioner may not approve an individual who is currently serving in any matter as a hearing officer for the commissioner."

23. Page 9, line 16 through line 18.
Strike: section 12 in its entirety
Insert: "NEW SECTION. Section 12. Severability. If a part of [this act] is invalid, only [section 2(1) through (3) and (6)] are severable from the invalid part and remain in effect."

And, as amended, do pass.

SB 120, introduced bill, be amended as follows:

1. Page 1, line 21 through line 23.
Strike: subsection (c) in its entirety
Insert: "(c)(i) The practice of dental hygiene also includes prescriptive authority limited to fluoride agents, topical oral anesthetic agents, and nonsystemic oral antimicrobials that:

(A) are not controlled substances;

(B) do not require a license by the federal drug enforcement agency; and

(C) are identified in a drug formulary approved by the board through rule in consultation with the board of pharmacy. For purposes of this section, the board's consultation with the board of pharmacy must be done when necessary.

(ii) Prescriptive authority under this section must be:

(A) done under the general supervision of a licensed dentist;

(B) pursuant to rules adopted by the board; and

(C) in compliance with applicable laws concerning prescription packaging, labeling, and recordkeeping requirements. (iii) The board shall determine by rule the education and competency requirements required for dental hygiene prescriptive authority.

(iv) The board shall determine by rule the percentage of fluoride, chlorhexidine gluconate, or any other active ingredients in any medication that may be prescribed by a dental hygienist under this section."

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 3, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Montana Facility Finance Authority
MCA 2-15-11815

! Mr. Kent Burgess, 4012 Laredo Pl, Billings, MT 59106, was appointed to serve a term starting February 3, 2017 and ending January 1, 2021. Mr. Burgess fulfills the qualifications of Public Representative for the board.

! Mr. Jim Kearns, 400 Broadway, Townsend, MT 59644, was reappointed to serve a term starting February 3, 2017 and ending January 1, 2021. Mr. Kearns fulfills the qualifications of Public Representative for the board.

! Mr. Paul Komlosi, 70 Schendel Road, White Sulphur Springs, MT 59645, was appointed to serve a term starting February 3, 2017 and ending January 1, 2019. Mr. Komlosi fulfills the qualifications of Public Representative for the board.

! Mr. Larry Putnam, 1825 Winne Avenue, Helena, MT 59601, was reappointed to serve a term starting February 3, 2017 and ending January 1, 2021. Mr. Putnam fulfills the qualifications of Public Representative and will serve as the Chair for the board.

! Mr. John Rogers, PO Box 242, Helena, MT 59624, was appointed to serve a term starting February 3, 2017 and ending January 1, 2021. Mr. Rogers fulfills the qualifications of Public Representative for the board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process.

Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/3/2017

SB 77, introduced by N. Swandal

House bills passed and transmitted to the Senate for concurrence: 2/3/2017

HB 140, introduced by S. Stewart-Peregoy
HB 217, introduced by R. Brodehl

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 205, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.
SB 206, introduced by R. Osmundson, D. Ankney, S. Berglee, M. Blasdel, D. Brown, W. Galt, F. Garner, S. Gunderson, B. Harris, G. Hertz, D. Howard, D. Kary, A. Knudsen, C. Knudsen, M. Lang, S. Lavin, R. Lynch, D. Mortensen, A. Olszewski, J. Patelis, A. Redfield, A. Rosendale, D. Salomon, C. Smith, N. Swandal, F. Thomas, B. Tschida, G. Vance, K. Wagoner, referred to State Administration.
SB 207, introduced by F. Moore, referred to Judiciary.
SB 208, introduced by M. Caferro, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 12, introduced by D. Kary, D. Ankney, D. Brown, K. Holmlund, D. Howard, B. Keenan, M. Lang, A. Olszewski, R. Osmundson, T. Richmond, N. Swandal, R. Tempel, R. Webb, referred to Judiciary.

The following Senate bill, previously introduced, was referred to committee:

SB 204, introduced by G. Vuckovich, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 140, introduced by S. Stewart-Peregoy (by request of the Water Policy Interim Committee),

referred to Natural Resources.
HB 217, introduced by R. Brodehl, S. Berglee, M. Cuffe, A. Doane, W. Galt, C. Glimm, E. Greef, J. Hinkle, M. Hopkins, R. Lynch, F. Mandeville, D. Mortensen, A. Olsen, R. Osmundson, J. Patelis, A. Redfield, K. Regier, M. Regier, S. Staffanson, K. Wagoner, D. Zolnikov, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 73 - Senator Connell moved **SB 73** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Gross, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 26 - Senator Facey moved **HB 26** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 23

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 26 - Senator Thomas moved **HB 26** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 125 - Senator Buttrey moved **HB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 138 - Senator Salomon moved **HB 138** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 141 - Senator Facey moved consideration of **HB 141** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 58 - Senator McNally moved **SB 58** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Whitford, Wolken, Mr.President.
Total 42

Nays: Fitzpatrick, Regier, Richmond, Salomon, Swandal, Vincent, Webb, Welborn.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 116 - Senator Blasdel moved **SB 116** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 - Senator Salomon moved **SB 128** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Fielder, Hinebauch, Howard, Smith C.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 135 - Senator McClafferty moved **SB 135** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 93 - Senator Richmond moved **SB 93** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 44

Nays: Boland, Cohenour, Kary, Phillips, Smith F, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 117 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Sesso, Tempel, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 129 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Moore.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

House amendments to SJ 1 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty,

McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 43 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 63 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 76 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 115 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 73**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 141** be taken from the second reading board and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 7, 2017, the 27th legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 7, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Olszewski. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/7/2017
Correctly printed: **SB 58**, **SB 93**, **SB 116**, **SB 128**, **SB 135**, **SB 204**, **SB 205**, **SB 206**, **SB 207**, **SB 208**, **SJ 12**, **SR 18**, **SR 22**, **HB 65**, **HB 87**, **HB 89**, **HB 111**, **HB 125**, **HB 138**.
Correctly engrossed: **SB 44**, **SB 120**.
Correctly enrolled: **SB 33**, **SB 36**, **SB 101**, **SJ 1**.
Examined by the sponsor and found to be correct: **SB 77**, **SR 5**, **SR 9**, **SR 12**.
Transmitted to the House: **SB 117**, **SB 129**, **HB 43**, **HB 63**, **HB 76**, **HB 115**.
Signed by the Speaker at 10:50 a.m., February 7, 2017: **SB 13**.
Delivered to the Governor at 11:19 a.m., February 7, 2017: **SB 13**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 2/6/2017
SB 60, do pass.
SB 64, do pass.

JUDICIARY (Regier, Chair): 2/3/2017
HB 184, be amended as follows:

1. Page 1, line 15.
Following: "shall"
Insert: "as soon as is practicable"

And, as amended, be concurred in.

TAXATION (Blasdel, Chair): 2/7/2017
SB 126, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "REQUIRING"
Insert: "ALLOWING"

2. Page 2, line 9 through 10.

Strike: "must" on line 9 through "provide" on line 10
Insert: "shall consider"

3. Page 2, line 11.
Strike: "conducted within 6 months of"
Insert: "provided by the taxpayer if the appraisal uses values obtained within"
Strike: "date"
Insert: "timeframe"

4. Page 2, line 14.
Following: "~~appraisal~~."
Insert: "The appraisal that is provided by the taxpayer is presumed to establish assessed value in the state board proceeding unless the department provides sufficient evidence to rebut the presumption of correctness, including another independent appraisal or other compelling valuation evidence."
Following: "the"
Insert: "taxpayer's"
Strike: "appraisals"
Insert: "appraisal and the department's valuation evidence"

5. Page 3, line 22 through line 23.
Strike: "must" on line 22 through "provide" on line 23
Insert: "shall consider"

6. Page 3, line 23.
Strike: "conducted within 6 months of"
Insert: "provided by the taxpayer if the appraisal uses values obtained within"
Strike: "date"

Insert: "timeframe"

7. Page 3, line 24.
Following: "."
Insert: "The appraisal that is provided by the taxpayer is presumed to establish assessed value in the state board proceeding unless the department provides sufficient evidence to rebut the presumption of correctness, including another independent appraisal or other compelling valuation evidence."
Following: "address the"
Insert: "taxpayer's"

8. Page 3, line 25.
Strike: "appraisals"
Insert: "appraisal and the department's valuation evidence"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/6/2017

SB 33, introduced by Hoven
SB 36, introduced by D. Ankney
SB 101, introduced by T. Richmond

House bills passed and transmitted to the Senate for concurrence: 2/6/2017

HB 148, introduced by D. Zolnikov
HB 294, introduced by J. Price

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 36, introduced by D. Howard, referred to Public Health, Welfare and Safety.

The following Senate bills were introduced and read first time:

SB 209, introduced by F. Smith.
SB 210, introduced by S. Malek.
SB 211, introduced by D. Sands.
SB 212, introduced by J. Cohenour.
SB 213, introduced by J. Cohenour.
SB 214, introduced by J. Cohenour.
SB 215, introduced by B. Keenan, M. Noland.
SB 216, introduced by F. Thomas, R. Ehli.

The following House bills were introduced and read first time:

HB 148, introduced by D. Zolnikov.
HB 294, introduced by J. Price.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator MacDonald in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 14 - Senator Ankney moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 14**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 80 - Senator Salomon moved **HB 80** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 166 - Senator Connell moved **HB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 165 - Senator Salomon moved **SB 165** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 86 - Senator Richmond moved **SB 86** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 150 - Senator McClafferty moved **HB 150** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 119 - Senator Hinkle moved **SB 119** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 146 - Senator Buttrey moved **HB 146** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick,

Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Caferro, Cohenour.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 106 - Senator D. Brown moved **SB 106** do pass. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Olszewski, Regier, Richmond, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 25

Nays: Barrett, Boland, Cohenour, Facey, Fitzpatrick, Gross, Hinebauch, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 55 - Senator Buttrey moved **HB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford.
Total 31

Nays: Blasdel, Boland, Brown, Caferro, Cohenour, Gross, Hinebauch, Keenan, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sesso, Smith C, Vance, Vincent, Wolken, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 59 - Senator Swandal moved **HB 59** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 65 - Senator Swandal moved **HB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 87 - Senator Sands moved **HB 87** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 106 - Majority Leader Thomas moved **SB 106** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Barrett, Boland, Buttrey, Cohenour, Connell, Fitzpatrick, Gross, Howard, Jones, MacDonald, Malek, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Vuckovich, Whitford, Wolken.
Total 23

Nays: Ankney, Blasdel, Brown, Caferro, Facey, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair MacDonald moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 58 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Fitzpatrick, Hinebauch, Phillips, Regier, Salomon, Swandal, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 93 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 116 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Fielder, Hinebauch, Howard, Smith C.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 135 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 18 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 125 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 138 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 193** be taken from the Judiciary Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Senator Facey moved the Senate reconsider its action on **HB 26**, indefinitely postponed the previous day. The motion passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Brown, Buttrey, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey moved that **HB 26** be referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved to take **SB 106** from the second reading board and re-refer it to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 8, 2017, the 28th legislative day. Motion carried.

Senate adjourned at 2:17 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 8, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator McClafferty. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/8/2017
Correctly printed: **SB 60**, **SB 64**, **SB 86**, **SB 119**, **SB 165**, **SR 36**, **HB 55**, **HB 59**, **HB 65**, **HB 80**, **HB 87**, **HB 146**, **HB 150**, **HB 166**, **HB 191**.
Correctly engrossed: **SB 126**, **SB 153**, **SB 157**, **HB 41**, **HB 184**.
Correctly enrolled: **SR 14.**
Examined by the sponsor and found to be correct: **SB 33**, **SB 36**, **SB 101**, **SJ 1**.
Transmitted to the House: **SB 58**, **SB 93**, **SB 116**, **SB 128**, **SB 135**, **HB 18**, **HB 125**, **HB 138**, **HB 191**.
Signed by the President at 4:10 p.m., February 7, 2017: **SB 56**, **SB 77**, **SB 84**, **SR 5**, **SR 9**, **SR 12**.
Signed by the Secretary of the Senate at 4:30 p.m., February 7, 2017: **SB 56**, **SB 77**, **SB 84**, **SR 5**, **SR 9**, **SR 12**.
Signed by the Speaker at 11:30 a.m., February 8, 2017: **SB 56**, **SB 77**, **SB 84**.
Delivered to the Secretary of State at 10:15 a.m., February 8, 2017: **SR 5**, **SR 9**, **SR 12**.
Delivered to the Governor at 2:40 p.m., February 8, 2017: **SB 56**, **SB 77**, **SB 84**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/7/2017
SB 157, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "AGRICULTURE"
Insert: "LIVESTOCK"

And, as amended, do pass.

HB 82, be concurred in.
HB 91, be concurred in.
HB 130, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/8/2017
SB 108, do pass.
HB 26, be amended as follows:

1. Title, page 1, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 3, line 23.
Following: line 22
Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2021."

And, as amended, be concurred in.

HB 106, be concurred in.
HB 141, be amended as follows:

1. Page 2, line 2.
Strike: "(4)"
Insert: "(1)(d)"

2. Page 2, line 23.
Following: "definitions."
Insert: "(1)"

3. Page 2, line 25.
Strike: "(1)"
Insert: "(a)"

4. Page 2, line 28.
Strike: "(2)"
Insert: "(b)"

5. Page 3, line 2.
Strike: "(3)"
Insert: "(c)"

6. Page 3, line 4.
Strike: "(4)"
Insert: "(d)"

7. Page 3, line 7.
Strike: "(4)"
Insert: "(1)(d)"

8. Page 3, line 10.
Strike: "(4)"
Insert: "(1)(d)"

9. Page 3, line 14.
Following: line 13
Insert: "(2) If the department disapproves or modifies any board action under subsection (1)(d), the department and not the board may be liable for claims resulting from the disapproval or modification."

10. Page 3, line 14.
Strike: "(5)"
Insert: "(3)"

11. Page 3, line 15.
Strike: "(4)"
Insert: "(1)(d)"

12. Page 3, line 20.
Strike: "(4)"
Insert: "(1)(d)"

13. Page 4, line 19.
Strike: "(4)"
Insert: "(1)(d)"

14. Page 5, line 3.
Strike: "(4)"
Insert: "(1)(d)"

15. Page 5, line 11.
Strike: "(4)"
Insert: "(1)(d)"

16. Page 5, line 15.
Strike: "(4)"
Insert: "(1)(d)"

17. Page 5, line 19.
Strike: "(4)"
Insert: "(1)(d)"

18. Page 5, line 22.
Strike: "(4)"
Insert: "(1)(d)"

19. Page 6, line 2.
Strike: "(4)"
Insert: "(1)(d)"

And, as amended, be concurred in.

HB 172, be amended as follows:

1. Page 1, line 26.
Following: "means"
Insert: ": (i) in one calendar year,"

2. Page 1, line 28.
Following: "YEAR"
Insert: "; or
(ii) in the aggregate within 10 years, 20% or more of the net book value of the telephone cooperative as disclosed in its audited financial statements"

And, as amended, be concurred in.

HB 233, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 2/7/2017
HB 191, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/7/2017
HB 41, be amended as follows:

1. Page 1, line 27.
Strike: "THE" through "31111"
Insert: "80 feet in length plus a maximum 4 feet of front overhang and 6 feet of rear overhang"

And, as amended, be concurred in.

HB 92, be concurred in.
HB 241, be concurred in.

JUDICIARY (Regier, Chair): 2/7/2017
SB 153, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "(2)"
Insert: "(a) A person convicted of a first offense of strangulation of a partner or family member shall be fined an amount not to exceed $50,000 or be imprisoned in the state prison for a term not to exceed 5 years, or both.

(b)"

2. Page 1, line 16.
Strike: "strangulation of a partner or family member"
Insert: "a second or subsequent offense under this section"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 8, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, February 8, 2017, I signed the following bills:

Senate Bill 5 - T. Facey
Senate Bill 13 - S. Fitzpatrick
Senate Bill 70 - G. Vuckovich

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/7/2017

HB 99, introduced by Z. Brown
HB 144, introduced by Z. Brown
HB 145, introduced by Z. Brown
HB 163, introduced by G. Custer
HB 213, introduced by J. Essmann
HB 248, introduced by K. Dudik

HB 276, introduced by E. Greef
HB 300, introduced by A. Hertz
HB 304, introduced by R. Cook
HB 307, introduced by K. Kelker

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 217, introduced by D. Sands, L. Bishop, C. Boland, M. Caferro, J. Cohenour, V. Court, A. Curtis, M. Dunwell, J. Eck, J. Ellis, T. Facey, J. Gross, D. Hayman, J. Karjala, K. Kelker, M. MacDonald, S. Malek, E. McClafferty, M. McNally, A. Olsen, J. Pomnichowski, J. Price, M. Ryan, L. Whitford, C. Wolken, referred to Business, Labor, and Economic Affairs.
SB 218, introduced by M. Blasdel, referred to Fish and Game.
SB 219, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 37, introduced by D. Brown, referred to State Administration.

The following Senate bill was introduced and read first time:

SB 220, introduced by S. Sales.

The following Senate bills, previously introduced, were referred to committees:

SB 209, introduced by F. Smith, referred to Business, Labor, and Economic Affairs.
SB 210, introduced by S. Malek, referred to Energy and Telecommunications.
SB 211, introduced by D. Sands, referred to Education and Cultural Resources.
SB 212, introduced by J. Cohenour, referred to Highways and Transportation.
SB 213, introduced by J. Cohenour, referred to Finance and Claims.
SB 214, introduced by J. Cohenour, referred to Fish and Game.
SB 215, introduced by B. Keenan, M. Noland, referred to Natural Resources.
SB 216, introduced by F. Thomas, R. Ehli, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 99, introduced by Z. Brown (by request of the Water Policy Interim Committee), referred to Natural Resources.
HB 144, introduced by Z. Brown (by request of the Department of Justice), referred to Highways and Transportation.
HB 145, introduced by Z. Brown (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 163, introduced by G. Custer, F. Anderson, R. Cook, K. Dudik, M. Funk, W. McKamey, G.

Pierson, referred to Public Health, Welfare and Safety.
HB 213, introduced by J. Essmann, referred to Highways and Transportation.
HB 248, introduced by K. Dudik, B. Bennett, referred to Education and Cultural Resources.
HB 300, introduced by A. Hertz, F. Mandeville, referred to Local Government.
HB 304, introduced by R. Cook, R. Osmundson, referred to Finance and Claims.
HB 307, introduced by K. Kelker, referred to Finance and Claims.

The following House bill was introduced and read first time:

HB 276, introduced by E. Greef.

The following House bills, previously introduced, were referred to committees:

HB 148, introduced by D. Zolnikov, referred to Judiciary.
HB 294, introduced by J. Price, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 89 - Senator MacDonald moved **HB 89** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SR 15 - Senator R. Webb moved the nomination transmitted by the Governor be concurred in

and confirmed by the Senate in accordance with **SR 15**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SB 144 - Senator R. Webb moved **SB 144** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SB 42 - Senator Barrett moved **SB 42** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 37

Nays: Blasdel, Brown, Gauthier, Jones, Kary, Lang, Olszewski, Regier, Smith C, Vance, Webb,

Welborn.
Total 12

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 105 - Senator C. Smith moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 67 - Senator Whitford moved **HB 67** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Gauthier, Hinebauch, Hinkle, Howard, Keenan, Lang, Moore, Olszewski, Salomon, Smith C, Vance, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 68 - Senator Malek moved **HB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Lang, Olszewski.
Total 2

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SB 121 - Senator Buttrey moved **SB 121** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SB 140 - Senator Ankney moved **SB 140** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

MOTIONS

Majority Leader Thomas moved that **HB 191** be placed on third reading this date as provided in Senate Rule S50-95. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 86 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Osmundson, Regier,

Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SB 119 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SB 165 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Gross.
Total 1

HB 55 failed as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Connell, Gauthier, Hoven, Jones, Keenan, Lang, McNally, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn.
Total 23

Nays: Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, MacDonald, Malek, McClafferty, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith C, Vance, Vincent, Webb, Whitford, Wolken, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 59 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 65 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 80 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 87 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Gross.
Total 1

HB 146 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Caferro, Cohenour, Hoven, MacDonald.
Total 4

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 150 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 166 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 191 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

MOTIONS

Majority Leader Thomas moved that **SB 197** be taken from the Judiciary Committee and re-referred to the Education and Cultural Resources Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, February 9, 2017, the 29th legislative day. Motion carried.

Senate adjourned at 2:02 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 9, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Caferro. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Swandal and Whitford, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/9/2017
Correctly printed: **SB 42**, **SB 108**, **SB 121**, **SB 140**, **SB 144**, **SB 209**, **SB 210**, **SB 211**, **SB 212**, **SB 213**, **SB 214**, **SB 215**, **SB 216**, **SB 217**, **SB 218**, **SB 219**, **SR 37**, **HB 67**, **HB 68**, **HB 82**, **HB 89**, **HB 91**, **HB 92**, **HB 105**, **HB 106**, **HB 130**, **HB 233**, **HB 241**.
Correctly engrossed: **SJ 5**, **HB 26**, **HB 119**, **HB 141**, **HB 172**.
Correctly enrolled: **SR 15**.
Examined by the sponsor and found to be correct: **SR 14**, **SR 15**.
Transmitted to the House: **SB 86**, **SB 119**, **SB 165**, **HB 59**, **HB 65**, **HB 80**, **HB 87**, **HB 146**, **HB 150**, **HB 166**.
Signed by the President at 3:45 p.m., February 8, 2017: **SB 33**, **SB 36**, **SB 101**, **SJ 1**.
Signed by the Secretary of the Senate at 4:00 p.m., February 8, 2017: **SB 33**, **SB 36**, **SB 101**, **SJ 1**.
Signed by the Speaker at 9:40 a.m., February 9, 2017: **SB 33**, **SB 36**, **SB 101**, **SJ 1**.
Delivered to the Governor at 10:52 a.m., February 9, 2017: **SB 33**, **SB 36**, **SB 101**.
Delivered to the Secretary of State at 11:33 a.m., February 9, 2017: **SJ 1**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/8/2017
SB 139, do pass.
HB 119, be amended as follows:

1. Page 2, line 4.
Following: "that"
Insert: ", driving at a reasonable speed for the road surface,"

And, as amended, be concurred in.

HJ 1, be concurred in.

JUDICIARY (Regier, Chair): 2/9/2017
HB 202, be concurred in.
HB 237, be concurred in.
HB 246, be concurred in.

NATURAL RESOURCES (Vincent, Chair): 2/8/2017
SJ 5, introduced joint resolution, be amended as follows:

1. Page 2, line 9.
Following: "Montana's future"
Insert: ","
Strike: "and"

2. Page 2, line 10.
Following: "Montana"
Insert: ", and the potential for other economic sectors to compensate for any reduction in the coal severance tax due to reduced coal mining in Montana"

And, as amended, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/8/2017
SR 13, be adopted.
HB 177, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/8/2017
HB 207, be concurred in.
HJ 5, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 8, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointments for confirmation.

! Department of Fish, Wildlife and Parks, Director, **Ms. Martha Williams**, 3015 Martinwood Road, Missoula, MT 59802, appointed February 1, 2017.

I have included a packet of materials for the nomination for your consideration. Stacey Otterstrom, my Boards and Appointments Advisor will coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at sotterstrom@mt.gov or by phone at extension 4405.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/8/2017

HB 95, introduced by G. Pierson
HB 182, introduced by F. Garner
HB 195, introduced by K. Holmlund
HB 201, introduced by R. Cook
HB 245, introduced by F. Mandeville
HB 256, introduced by C. Knudsen
HB 271, introduced by R. Cook
HB 279, introduced by A. Rosendale
HB 286, introduced by R. Shaw
HB 305, introduced by B. Harris
HB 316, introduced by K. Holmlund

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 221, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 222, introduced by S. Fitzpatrick, T. Gauthier, T. Richmond, D. Salomon, J. Small, referred to Judiciary.
SB 223, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 224, introduced by S. Malek, referred to Local Government.
SB 225, introduced by D. Kary, E. Buttrey, P. Connell, M. Cuffe, A. Doane, J. Essmann, R. Fitzgerald, K. Flynn, W. Galt, T. Jacobson, T. Manzella, D. Mortensen, J. O'Hara, K. Regier, T. Richmond, F. Thomas, B. Usher, K. Wagoner, referred to Fish and Game.
SB 226, introduced by J. Cohenour, referred to Education and Cultural Resources.
SB 227, introduced by J. Cohenour, referred to Education and Cultural Resources.
SB 228, introduced by D. Ankney, J. Pomnichowski, referred to Public Health, Welfare and Safety.

SB 229, introduced by F. Moore, M. Caferro, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 230, introduced by M. MacDonald.

The following House bills were introduced, read first time, and referred to committees:

HB 95, introduced by G. Pierson (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
HB 182, introduced by F. Garner, referred to Judiciary.
HB 195, introduced by K. Holmlund, D. Bartel, B. Brown, E. McClafferty, referred to Public Health, Welfare and Safety.
HB 201, introduced by R. Cook, referred to Judiciary.
HB 245, introduced by F. Mandeville, referred to Local Government.
HB 256, introduced by C. Knudsen, S. Berglee, M. Blasdel, Z. Brown, A. Doane, W. Galt, S. Gunderson, B. Hamlett, B. Harris, G. Kipp, M. Lang, D. Mortensen, J. O'Hara, R. Peppers, A. Redfield, W. Sales, D. Skees, S. Staffanson, S. Stewart-Peregoy, R. Tempel, J. Windy Boy, referred to Agriculture, Livestock and Irrigation.
HB 271, introduced by R. Cook, J. Sesso, referred to State Administration.
HB 279, introduced by A. Rosendale, referred to State Administration.
HB 286, introduced by R. Shaw, D. Ankney, R. Cook, R. Fitzgerald, K. Flynn, W. Galt, F. Garner, B. Harris, J. Keane, C. Knudsen, M. Lang, D. Loge, T. Manzella, D. Mortensen, G. Pierson, A. Redfield, T. Richmond, W. Sales, D. Salomon, G. Vance, S. Vinton, J. Welborn, T. Welch, K. White, referred to Agriculture, Livestock and Irrigation.
HB 305, introduced by B. Harris, D. Bartel, B. Beard, R. Brodehl, B. Brown, F. Garner, C. Glimm, E. Greef, J. Knokey, D. Lenz, S. Staffanson, J. Trebas, S. Vinton, K. White, referred to Agriculture, Livestock and Irrigation.
HB 316, introduced by K. Holmlund, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 18 - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 18**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SR 19 - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 19**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 47

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SR 22 - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 22**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

HB 135 - Senator MacDonald moved **HB 135** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

HB 184 - Senator Fielder moved **HB 184** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SB 44 - Senator Vance moved **SB 44** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 60 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Wolken.
Total 43

Nays: Hinebauch, Hinkle, Smith C, Vance, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SB 64 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Wolken.
Total 44

Nays: Smith C, Vance, Webb, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SB 42 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Wolken, Mr.President.
Total 36

Nays: Blasdel, Brown, Gauthier, Jones, Kary, Keenan, Olszewski, Regier, Salomon, Smith C, Vance, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SB 121 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SB 140 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

SB 144 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch,

Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

HB 67 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Wolken.
Total 33

Nays: Blasdel, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Olszewski, Salomon, Smith C, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

HB 68 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

HB 89 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

HB 105 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal, Whitford.
Total 2

MOTIONS

Majority Leader Thomas moved that **SB 44**, heard on second reading this date, be re-referred

to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 10, 2017, the 30th legislative day. Motion carried.

Senate adjourned at 1:37 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 10, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Osmundson. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Howard, Swandal and Vuckovich excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/10/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-first, twenty-second, twenty-third, twenty-fourth, and twenty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 139**, **SB 221**, **SB 222**, **SB 223**, **SB 224**, **SB 225**, **SB 226**, **SB 227**, **SB 228**, **SB 229**, **SR 13**, **HB 135**, **HB 177**, **HB 184**, **HB 202**, **HB 207**, **HB 237**, **HB 246**, **HJ 1**, **HJ 5**.
Correctly enrolled: **SR 18**, **SR 19**, **SR 22**.
Examined by the sponsor and found to be correct: **SR 18**, **SR 19**, **SR 22**.
Transmitted to the House: **SB 42**, **SB 60**, **SB 64**, **SB 121**, **SB 140**, **SB 144**, **HB 67**, **HB 68**, **HB 89**, **HB 105**.
Signed by the President at 4:00 p.m., February 9, 2017: **SR 14**, **SR 15**.
Signed by the Secretary of the Senate at 4:20 p.m., February 9, 2017: **SR 14**, **SR 15**.
Delivered to the Secretary of State at 10:15 a.m., February 10, 2017: **SR 14**, **SR 15**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/9/2017
SB 78, introduced bill, be amended as follows:

1. Page 2, line 7.
Strike: "January"
Insert: "July"

2. Page 2.
Strike: line 10
Insert: "avoided cost."

3. Page 2, line 11.
Strike: "(3)"
Insert: "(c)"
Strike: "monthly service charge"
Insert: "rate"

4. Page 2, line 13.
Strike: "(4)"
Insert: "(3)"

5. Page 2, line 18 through line 21.
Strike: subsection (5) in its entirety

6. Page 3, line 1.
Strike: "for the appropriate monthly service charge"
Insert: "at the appropriate rate"

7. Page 3, line 5.
Strike: the first "for"
Insert: "at"
Strike: "monthly service charge"
Insert: "rate"

And, as amended, do pass.

SB 102, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "A MAXIMUM 5-YEAR TERM"
Insert: "UP TO 20 YEARS"

2. Page 1, line 16.
Strike: "only"
Strike: "a" through "5"
Insert: "up to 20"

And, as amended, do pass.

SB 132, do pass.
SJ 6, introduced joint resolution, be amended as follows:

1. Page 1, line 30.
Following: "to"
Insert: "the President of the United States, to"

2. Page 2, line 1.
Following: "Congress"
Insert: ","

And, as amended, be adopted.

FINANCE AND CLAIMS (Jones, Chair): 2/9/2017
SB 48, do pass.
SB 73, do pass.

JUDICIARY (Regier, Chair): 2/10/2017
SB 2, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "OF"
Insert: "A QUORUM OF"

2. Title, page 1, line 6.
Following: "MEETING"
Insert: "IN CERTAIN SITUATIONS"

3. Page 1, line 15.
Following: "situation "
Insert: "under 2-3-112"

4. Page 1, line 22.
Following: "presence of"
Insert: "a quorum of"
Following: "organization"
Insert: "or traveling in the same vehicle"

5. Page 1, line 23.
Following: "board"
Insert: "as long as no issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard"

6. Page 1, line 23.
Following: "."
Strike: "Business"
Insert: "County business"

7. Page 1, line 24.
Following: line 24
Insert: "(5) If a quorum of commissioners is present at an event or meeting or is traveling in the same vehicle when it was not possible to provide public notice under 7-1-2123, and issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard, the commissioners present shall provide a report at the commission's next regularly scheduled public meeting. The report must include the name of the event or meeting, the name of the persons involved, the date and location of the event or meeting, and a brief summary of the issues discussed or heard. If the commissioners' presence at the unnoticed meeting or event is reasonably expected to precipitate ensuing consideration

of any issue by the board of county commissioners, details associated with the issue discussed or heard must also be included in the report."

And, as amended, do pass.

SB 179, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "action"
Insert: "and more than 10 days before a trial"
Following: "jurisdiction"
Insert: "begins"

2. Page 2, line 5 through line 6.
Following: "or"
Strike: "before" on line 5 through "act]" on line 6
Insert: "after October 1, 2017"

And, as amended, do pass.

HB 262, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/9/2017

SB 10, introduced by M. Blasdel
SB 41, introduced by F. Moore
SB 53, introduced by L. Jones
SB 68, introduced by D. Barrett

Senate joint resolution concurred in and returned to the Senate: 2/9/2017

SJ 2, introduced by P. Connell

House bills passed and transmitted to the Senate for concurrence: 2/9/2017

HB 73, introduced by R. Lynch
HB 173, introduced by K. Dudik
HB 219, introduced by Z. Brown
HB 297, introduced by A. Hertz

HB 18 - The House failed to concur in Senate amendments to **HB 18,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 18:** 2/9/2017

Representative Galt
Representative Jacobson
Representative Redfield

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 231, introduced by R. Webb, D. Mortensen, referred to Highways and Transportation.
SB 232, introduced by P. Connell, J. Welborn, referred to Highways and Transportation.
SB 233, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
SB 234, introduced by M. Caferro, referred to Education and Cultural Resources.
SB 235, introduced by T. Richmond, D. Ankney, J. Keane, R. Lynch, K. White, referred to Natural Resources.
SB 236, introduced by J. Fielder, N. Ballance, D. Bartel, B. Beard, S. Berglee, M. Blasdel, B. Brown, E. Buttrey, P. Connell, M. Cuffe, A. Doane, R. Ehli, K. Flynn, T. Gauthier, C. Glimm, B. Grubbs, S. Gunderson, B. Hamlett, A. Hertz, J. Hinkle, M. Hopkins, D. Howard, D. Jones, L. Jones, D. Kary, B. Keenan, J. Knokey, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, M. Noland, A. Olszewski, R. Osmundson, A. Redfield, K. Regier, M. Regier, T. Richmond, S. Sales, J. Small, C. Smith, F. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, C. Vincent, G. Vuckovich, K. Wagoner, K. White, J. Windy Boy, D. Zolnikov, referred to Fish and Game.
SB 237, introduced by J. Fielder, S. Berglee, R. Brodehl, B. Brown, Z. Brown, E. Buttrey, J. Cohenour, R. Ehli, T. Facey, F. Garner, C. Glimm, B. Grubbs, B. Hamlett, G. Hertz, S. Hinebauch, J. Hinkle, M. Hopkins, D. Jones, D. Kary, J. Keane, B. Keenan, J. Knokey, D. Loge, R. Lynch, E. McClafferty, W. McKamey, S. Morigeau, R. Osmundson, M. Phillips, A. Redfield, V. Ricci, T. Richmond, J. Small, B. Smith, C. Smith, R. Tempel, F. Thomas, K. Wagoner, J. Welborn, referred to Fish and Game.
SB 238, introduced by M. MacDonald, D. Barrett, C. Boland, M. Caferro, J. Cohenour, D. Hayman, J. Karjala, M. Phillips, D. Sands, F. Smith, T. Woods, referred to Highways and Transportation.

The following Senate bill, previously introduced, was referred to committee:

SB 230, introduced by M. MacDonald, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 73, introduced by R. Lynch (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 173, introduced by K. Dudik, referred to Public Health, Welfare and Safety.
HB 219, introduced by Z. Brown, D. Zolnikov, referred to Energy and Telecommunications.

HB 297, introduced by A. Hertz, J. Welborn, referred to Energy and Telecommunications.

The following House bill, previously introduced, was referred to committee:

HB 276, introduced by E. Greef, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 82 - Senator Sands moved **HB 82** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

HB 91 - Senator Salomon moved **HB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken.
Total 41

Nays: Blasdel, Fielder, Hinebauch, Keenan, Smith C, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

HB 130 - Senator Lang moved **HB 130** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

SB 157 - Senator Cohenour moved **SB 157** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Welborn, Whitford, Wolken.
Total 31

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Lang, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

HB 172 - Senator Fitzpatrick moved **HB 172** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

HB 233 - Senator McNally moved **HB 233** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

SB 108 - Senator Vance moved **SB 108** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 135 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

HB 184 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Howard, Swandal, Vuckovich.
Total 3

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 18**. Without objection, so ordered. President Sales appointed:

Senator Blasdel, Chair
Senator McClafferty
Senator Tempel

Majority Leader Thomas moved that **SB 222** be taken from the Judiciary Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 213** be taken from the Finance and Claims Committee and re-referred to the Natural Resources Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 13, 2017, the 31st legislative day. Motion carried.

Senate adjourned at 1:37 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 13, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/13/2017
Correctly printed: **SB 48**, **SB 73**, **SB 108**, **SB 132**, **SB 157**, **SB 230**, **SB 231**, **SB 232**, **SB 233**, **SB 234**, **SB 235**, **SB 236**, **SB 237**, **SB 238**, **HB 82**, **HB 91**, **HB 130**, **HB 172**, **HB 233**, **HB 262**.
Correctly engrossed: **SB 2**, **SB 78**, **SB 102**, **SB 179**, **SJ 6**.
Correctly enrolled: **SB 10**, **SB 41**, **SB 53**, **SB 68**, **SJ 2**.
Examined by the sponsor and found to be correct: **SB 10**, **SB 41**, **SB 53**, **SB 68**, **SJ 2**.
Transmitted to the House: **HB 135**, **HB 184**.
Signed by the President at 4:50 p.m., February 10, 2017: **SR 18**, **SR 19**, **SR 22**.
Signed by the Secretary of the Senate at 8:00 a.m., February 13, 2017: **SR 18**, **SR 19**, **SR 22**.
Delivered to the Secretary of State at 3:05 p.m., February 13, 2017: **SR 18**, **SR 19**, **SR 22**.

Senator Blasdel introduced the Pages for the coming week:
Max Mignot from Hamilton, sponsored by Senator Connell
Craig Walker from Billings, sponsored by Senator Webb
Omar Perez from Polson, sponsored by President Sales
Kyla Biggs from Belgrade, sponsored by Senator Hinkle
Bryen Martinez from Billings, sponsored by Senator Webb
Abigail McGee from Butte, sponsored by Senator McClafferty

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/10/2017
SR 8, be adopted.

TAXATION (Blasdel, Chair): 2/10/2017
SB 94, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "DEFINITIONS;"
Insert: "PROVIDING FOR REPAYMENT OF THE EXEMPTION; PROVIDING FOR A LIEN ON PROPERTY TO SECURE REPAYMENT; ESTABLISHING LIEN RECOVERY PROCEDURES; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR REPAYMENT TO THE STATE AND TAXING JURISDICTIONS;"

2. Page 1, line 20.
Strike: "75%"
Insert: "150%"

3. Page 1, line 23.
Strike: "75%"
Insert: "150%"

4. Page 1, line 24.
Strike: "75%"
Insert: "150%"

5. Page 1, line 26.
Following: "taxation"
Insert: "subject to the lien and repayment provisions of [sections 2 through 10]"

6. Page 2, line 16.
Following: line 15
Insert: "(7) A property owner or member of the property owner's family that receives assistance under this section consents to a lien being filed under [section 2] for the purpose of repayment of the amount exempted."
Renumber: subsequent subsections
Strike: "this section" on line 16
Insert: "[sections 1 through 10]"

7. Page 2, line 22.
Strike: "(7)(a)(i)"
Insert: "(8)(a)(i)"

8. Page 2, line 25.
Following: line 24
Insert: "(b) "Member of the property owner's family" includes a spouse of a property owner, a lineal descendant of the property owner, a sibling of the property owner, or a child of a sibling of the property owner. An adopted individual is considered the child of an adopting parent or parents."
Renumber: subsequent subsections

9. Page 3, line 5.
Insert: "NEW SECTION. **Section 2. Repayment of assistance -- department lien upon real property -- conditions.** (1) A property owner or member of the property owner's family that receives assistance under [section 1] shall reimburse the state in an amount equal to the amount of property taxes exempted. The department shall maintain an accounting of the total amount of taxes exempted by each property owner or member of the property owner's family and provide the amount to the public upon request. Interest charges do not accumulate on the reimbursement

amount.

(2) The reimbursement is payable to the state upon sale, transfer, or exchange of any right, title, or interest of the property to anyone other than a member of the property owner's family. The department shall deposit reimbursements to the credit of the property tax exemption state special revenue account provided for in [section 10].

(3) For the purpose of subsection (2), a sale or transfer does not include:

(a) an instrument the effect of which is to transfer the property to the same party or parties; or

(b) an instrument that, without added consideration, confirms, corrects, modifies, or supplements a previously recorded instrument.

(4) (a) The department shall impose a lien equal to the amount of property taxes exempted by [section 1]. A property owner or member of the property owner's family that receives assistance under [section 1] automatically consents to the lien for the purpose of repayment of the amount exempted.

(b) The lien attaches to the land and any improvements situated on the land that was exempted.

(c) The lien must contain:

(i) the name and address of the property owner or member of the property owner's family who owns an interest in the property;

(ii) a legal description of the property;

(iii) a statement that the lien is imposed to secure the described property for recovery of exempted property taxes under [section 1] prior to, on, and after the date of the lien; and

(iv) an address and telephone number of the office or representative of the department who can provide more information about the lien.

(d) The lien need not be executed by or on behalf of the property owner or member of the property owner's family, but it must be executed by an authorized agent or employee of the department. The execution must be acknowledged as provided in 70-21-203.

(e) The lien need not state the specific amount of property taxes exempted that are owed. The lien is sufficient to secure repayment of past, current, and future property taxes exempted under [section 1].

(f) The lien must be filed in the office of the clerk and recorder in the county in which the real property is located.

(g) Filing of the lien constitutes legal notice of the lien to all persons, including subsequent purchasers, encumbrancers, mortgagees, and other lienholders. Upon filing, the lien is prior to any earlier unrecorded interest or claim and is prior to any subsequent interest or claim, whether or not recorded. The lien is subject to any unpaid property taxes, any prior recorded mortgage, or any other prior recorded encumbrance, interest, or claim. For purposes of recovery of property taxes exempted under [section 1], a sale, transfer, or exchange of the property by the property owner or member of the property owner's family is considered a relinquishment of any homestead exemption under 70-32-201 and 70-32-202 of the property owner or member of the property owner's family in the property subject to the lien."

Insert: "NEW SECTION. **Section 3. Recovery of exempted property taxes secured by lien -- application for issuance of writ of execution.** (1) After the sale, transfer, or exchange of any right, title, or interest of property that received an exemption under [section 1] to anyone other than the property owner's family as provided in [section 2], the department may file with the clerk of the

district court in the county in which the real property is located an application for issuance of a writ of execution for levy on the real property described in the lien pursuant to [section 2]. The levy may be for the amount of recoverable property tax exemptions received by the property owner or member of the property owner's family under [section 1] prior to, on, and after the date of the lien, including amounts exempted up to the date of sale of the property.

(2) The application for the writ must be sworn and must contain the following:

(a) the name of the property owner or member of the property owner's family, a legal description of the real property, and a description of the interest in the property;

(b) a statement that the department has imposed a lien on the property under [section 2];

(c) a statement that the lien complies with the requirements of [sections 1 through 10];

(d) the date on which the lien was filed and the office in which it was filed;

(e) a description of the sale, transfer, exchange, or other event that entitles the department to recover;

(f) the amount recoverable;

(g) the amount of any unreimbursed taxes or other costs paid;

(h) if applicable, a statement that additional amounts may be paid up to the time that the property is sold in satisfaction of the lien;

(i) a statement that the total amount due has not been paid as of the date of the application for the writ;

(j) a statement that recovery is not prohibited by this section;

(k) the names and addresses of all persons who have a recorded interest in the property, including a property owner or member of the property owner's family that received the property tax exemption or the property owner's estate, co-owner, purchaser, grantee, encumbrancer, mortgagee, and lienholder; and

(l) a request that a writ of execution be issued for sale of the described property if an action is not filed within the time provided for in [section 5].

(3) The filing of an application under this section for a writ of execution is not the filing of a legal action, and the requirements applicable to legal actions do not apply to the application or application proceedings."

"NEW SECTION. **Section 4. Notice of application -- proof of notice -- request for issuance of writ of execution.** (1) The department shall provide notice, as required by this section, of the filing of the application for a writ of execution pursuant to [section 3] to all persons having a recorded interest in the property or residing lawfully on the property.

(2) The notice must contain a description of the property and must state that the department has a lien under [section 1] and [section 2] on the described property, that the department has filed an application for a writ of execution seeking sale of the property, and that a writ will be issued unless an action challenging issuance of the writ has been filed in accordance with [section 5] within 60 days of the date of mailing or service of notice or first publication of notice. The department shall include with the notice a copy of the application for the writ.

(3) (a) The department may mail a copy of the notice, postage prepaid and return receipt requested, to the name and address stated in the recorded instrument creating each person's interest in the property or, in the case of a person residing on the property, to the address of the residence on the property. Mailing as provided in this subsection (3)(a) is sufficient notice to the addressee if the return receipt is returned to the department and indicates that the notice was received by or on behalf of the addressee.

(b) If the return receipt is not returned to the department indicating that the notice was received by or on behalf of the addressee, the department shall attempt with reasonable diligence to locate the addressee and to personally serve or mail notice to that person.

(c) If after the exercise of reasonable diligence the department is unable to locate the person owning the interest in the property, the department shall publish the notice required by subsection (2) three times, once each week for 3 successive weeks, in a newspaper published in the county in which the property is located if a newspaper is published in the county. If a newspaper is not published in the county, then publication must be in a newspaper having a general circulation in the county.

(d) With respect to a person residing lawfully on the property but having no recorded interest in the property, the notice may be delivered to the residence and delivery is sufficient notice as to that person.

(e) In the alternative, the notice and application may be personally served upon any person entitled to notice under this section.

(4) (a) After giving notice as required by this section, the department shall file with the clerk of court an affidavit describing:

(i) the manner in which notice has been provided to each person entitled to notice;

(ii) the date of mailing, personal service, or first publication of the notice; and

(iii) the date by which each person is required to file an action to challenge issuance of the writ of execution.

(b) The department shall attach to the affidavit the return receipt, the affidavit of personal service, the affidavit of publication, or other proof of service of the notice. If no action has been filed within the time required by [section 5], the affidavit must so state and may request immediate issuance of the writ.

Insert: "NEW SECTION. **Section 5. Action to challenge issuance of writ of execution.** A person with a recorded interest in or residing lawfully upon the real property described in an application filed under [section 3], including the property owner's estate or a co-owner, purchaser, grantee, encumbrancer, mortgagee, or lienholder, may, within 60 days of mailing or service of notice or first publication of notice as provided in [section 4], file an action in the district court in the county in which the real property is located challenging the requested issuance of a writ of execution. The court shall determine the validity or invalidity of the department's lien and order appropriate relief, including issuance of the writ or denial of the application for issuance of the writ."

"NEW SECTION. **Section 6. Payment of amount due -- periodic payments -- substitute security.** (1) If the total amount due to the department to satisfy a lien imposed under [sections 1 through 9] is paid, the department may not file an application under [section 3], shall withdraw its application if the application has already been filed, or shall instruct the sheriff to cancel the sale proceedings.

(2) In lieu of applying for a writ of execution, the department may agree to accept periodic payments for the repayment of recoverable property taxes exempted or may agree to accept substitute security and partial payment. The department may agree to periodic payments or substitute security if the terms of agreement, including security for repayment, are acceptable to the department and if the agreement does not reduce the amount due or the likelihood of recovering the amount due. The department may delay filing an application for issuance of a writ of execution for purposes of conducting negotiations for an agreement in lieu of execution.

Insert: "NEW SECTION. **Section 7. Issuance of writ of execution by clerk of court.** (1) If the

requirements of subsection (2) are met, the clerk of court shall issue a writ of execution specifying the property to be levied upon, the amount due as of the date of filing of the application, and a statement that additional amounts may be due up to and through the date of the sale.

(2) The clerk shall issue the writ if:

(a) (i) an action has not been filed under [section 5] within 60 days of mailing, service, or first publication of notice, as provided in [section 4];

(ii) the department has filed an affidavit meeting the requirements of [section 4(4)]; and

(iii) the department has filed a sworn application containing the statements required by [section 3]; or

(b) the court has ordered the issuance of the writ in an action under [section 5]."

Insert: "NEW SECTION. **Section 8. Effect of sale -- title acquired -- no further personal liability for property owner.** (1) The purchaser of property pursuant to a writ of execution issued under [sections 1 through 9] acquires the right, title, interest, and claim that the property owner or member of the property owner's family had at the time the lien was imposed, subject only to any right, title, interest, or claim arising from an instrument recorded prior to the department's lien under [section 1] and [section 2] and to any unpaid property taxes. The sale is absolute and is not subject to any period of redemption allowed by Title 25, chapter 13, part 8, or other law.

(2) After a sale of property pursuant to a writ of execution issued under [sections 1 through 9], the property owner and any member of the property owner's family are not personally liable for repayment of the property tax exemptions received under [section 1], regardless of whether the proceeds of the sale are sufficient to pay off the amount exempted under [section 1]."

Insert: "NEW SECTION. **Section 9. Disposition of sale proceeds.** (1) The proceeds of a sale of property sold pursuant to a writ of execution issued under [section 7] must be distributed in the following order:

(a) as satisfaction of any unpaid property taxes and prior recorded interests as described in [section 2(4)(g)];

(b) to the department for application to any costs incurred in collection;

(c) to the department for deposit in the state special revenue account provided for in [section 10], an amount equal to the amount of property taxes exempted under [section 1].

(2) Any excess funds remaining after application of proceeds under subsection (1) must be paid to the property owner or member of the property owner's family, if living, or otherwise to the representative or successor in interest."

Insert: "NEW SECTION. **Section 10. Property tax exemption state special revenue account.** (1) There is a property tax exemption account in the state special revenue fund. The department shall administer the account.

(2) There must be deposited in the account money received in repayment of property taxes exempted under [section 1].

(3) (a) The money in the account must be allocated to the taxing jurisdictions where property taxes were exempted under [section 1].

(b) Subject to 15-10-420, the amount allocated must be remitted to taxing jurisdictions and the state in a proportional amount based on total mills levied in the taxing jurisdiction. The state portion must be deposited in the general fund.

(4) The remittance provided for in this section to taxing jurisdictions is subject to legislative appropriation to the department for distribution to taxing entities."

Renumber: subsequent sections

10. Page 7, line 25.
Strike: "[Section 1] is"
Insert: "[Sections 1 through 10] are"

11. Page 7, line 26.
Strike: "[section 1]"
Insert: "[sections 1 through 10]"

And, as amended, do pass.

HB 112, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 10, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Board of Public Assistance
MCA 2-15-2203

! Amy Christensen, 314 N. Last Chance Gulch, Suite 300, Helena, MT 59601, was reappointed to serve a term starting February 10, 2017 and ending January 1, 2021. Christensen fulfills the qualifications of Attorney and Chair, on the board.

! Marianne Roose, PO Box 532, Eureka, MT 59917, was reappointed to serve a term starting February 10, 2017 and ending January 1, 2021. Roose fulfills the qualifications of Public Representative on the board.

Transportation Commission
MCA 2-15-2502

! Greg Jergeson, PO Box 1568, Chinook, MT 59523, was appointed to serve a term starting February 10, 2017 and ending January 1, 2021. Jergeson fulfills the

qualifications of District 3, Democrat on the board.

! Dave Schulz, PO Box 252, Sheridan, MT 59749, was appointed to serve a term starting February 10, 2017 and ending January 1, 2021. Schulz fulfills the qualifications of District 2, Independent on the board.

! Barb Skelton, 7256 US Highway 3, Billings, MT 59106, was reappointed to serve a term starting February 10, 2017 and ending January 1, 2021. Skelton fulfills the qualifications of District 5, Democrat and Chair on the board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/10/2017

HB 152, introduced by T. Welch
HB 209, introduced by B. Usher
HB 211, introduced by B. Hamlett
HB 226, introduced by Z. Perry
HB 288, introduced by B. Bennett
HB 306, introduced by B. Harris
HB 342, introduced by R. Fitzgerald

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 239, introduced by R. Webb, referred to Judiciary.
SB 240, introduced by E. Buttrey, referred to State Administration.
SB 241, introduced by E. Buttrey, referred to Highways and Transportation.
SB 242, introduced by S. Malek, referred to Education and Cultural Resources.
SB 243, introduced by P. Connell, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 152, introduced by T. Welch, referred to Highways and Transportation.
HB 209, introduced by B. Usher, D. Ankney, D. Bartel, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, D. Brown, Z. Brown, G. Custer, W. Galt, E. Hill Smith, D. Howard, L. Jones, A. Knudsen, C. Knudsen, D. Lenz, D. Loge, F. Mandeville, K. McCarthy, D. Mortensen, R. Osmundson, J. Patelis, R. Peppers, V. Ricci, T. Richmond, M. Ryan, C. Schreiner, R. Shaw, D. Skees, J. Small, F. Smith, S. Stewart-Peregoy, J. Trebas, B. Tschida, G. Vance, P. Webb, J. Welborn, J. Windy Boy, D. Zolnikov, Ryan, referred to Taxation.
HB 211, introduced by B. Hamlett, P. Connell, A. Doane, M. Lang, A. Redfield, R. Shaw, referred to Fish and Game.
HB 226, introduced by Z. Perry, referred to Taxation.
HB 288, introduced by B. Bennett, B. Beard, G. Custer, F. Garner, E. Greef, A. Hertz, G. Hertz, M. Hopkins, S. Morigeau, J. Trebas, referred to State Administration.
HB 306, introduced by B. Harris, D. Bartel, B. Beard, R. Brodehl, B. Brown, M. Cuffe, A. Doane, R. Ehli, K. Flynn, F. Garner, C. Glimm, E. Greef, A. Knudsen, D. Lenz, S. Staffanson, J. Trebas, K. White, referred to Judiciary.
HB 342, introduced by R. Fitzgerald, B. Beard, B. Brown, R. Cook, W. Curdy, A. Curtis, J. Fleming, E. Greef, B. Hoven, L. Jones, G. Kipp, D. Lenz, T. Manzella, J. O'Hara, G. Pierson, J. Price, W. Sales, D. Salomon, D. Sands, R. Shaw, B. Smith, F. Smith, G. Vuckovich, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 55 - Senator Salomon moved **SB 55** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Regier, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 26 - Senator Facey moved consideration of **HB 26** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 120 - Senator Swandal moved **SB 120** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 106 - Senator Salomon moved **HB 106** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Regier, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 41 - Senator Buttrey moved **HB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 92 - Senator Buttrey moved **HB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 141 - Senator Facey moved **HB 141** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 21

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 141 - Majority Leader Thomas moved **HB 141** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 38

Nays: Barrett, Caferro, Gross, Hoven, MacDonald, Malek, McClafferty, Pomnichowski, Sesso, Smith F, Whitford, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 241 - Senator Boland moved **HB 241** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 113 - Senator Moore moved **SB 113** do pass.

SB 113 - Senator Moore moved **SB 113**, second reading copy, be amended as follows:

1. Page 4, line 2.
Following: "member"
Insert: ":
(A)"

2. Page 4, line 3.
Following: "information"
Insert: "; and
(B) receives from the department an orientation of the content and structure of the records"

3. Page 4, line 6.
Following: line 6
Insert: "(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 113 - Bill, as amended passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Swandal, Thomas, Vincent, Webb, Welborn, Wolken.
Total 27

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Whitford, Mr.President.

Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 111 - Senator Gross moved **HB 111** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 153 - Senator MacDonald moved **SB 153** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Keenan, Smith C, Vance, Vincent, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 26 - Senator Facey moved **HB 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Vance, Vincent, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Kary.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 48 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Sesso, Smith F, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 73 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Gross.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 108 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 157 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 82 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 91 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 40

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Keenan, Smith C, Vance, Vincent, Webb, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 130 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 172 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 233 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 14, 2017, the 32nd legislative day. Motion carried.

Senate adjourned at 2:28 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 14, 2017 — State Capitol

Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Blasdel. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Phillips excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/14/2017
Correctly printed: **SB 55**, **SB 120**, **SB 153**, **SB 239**, **SB 240**, **SB 241**, **SB 242**, **SB 243**, **SR 8**, **HB 26**, **HB 41**, **HB 92**, **HB 106**, **HB 111**, **HB 112**, **HB 241**.
Correctly engrossed: **SB 94**, **SB 113**, **SB 137**, **SB 149**, **HB 81**, **HB 101**.
Transmitted to the House: **SB 48**, **SB 73**, **SB 108**, **SB 157**, **HB 82**, **HB 91**, **HB 130**, **HB 172**, **HB 233**.
Signed by the President at 3:45 p.m., February 13, 2017: **SB 10**, **SB 41**, **SB 53**, **SB 68**, **SJ 2**.
Signed by the Secretary of the Senate at 4:15 p.m., February 13, 2017: **SB 10**, **SB 41**, **SB 53**, **SB 68**, **SJ 2**.
Signed by the Speaker at 10:00 a.m., February 14, 2017: **SB 10**, **SB 41**, **SB 53**, **SB 68**, **SJ 2**.
Delivered to the Governor at 3:47 p.m., February 14, 2017: **SB 10**, **SB 41**, **SB 53**, **SB 68**.
Delivered to the Secretary of State at 3:50 p.m., February 14, 2017: **SJ 2**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/13/2017
SB 159, do pass.

JUDICIARY (Regier, Chair): 2/14/2017
HB 258, be concurred in.
HB 278, be concurred in.

LOCAL GOVERNMENT (Webb, Chair): 2/13/2017
SB 189, do pass.
HB 300, be concurred in.

NATURAL RESOURCES (Vincent, Chair): 2/13/2017
HB 48, be concurred in.
HB 49, be concurred in.
HB 53, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/13/2017
SB 208, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/13/2017
SB 149, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "ELIMINATING" on line 5 through "OFFICERS;" on line 6
Insert: "ALLOWING CERTAIN INDIVIDUALS TO CERTIFY THAT BUSINESS DISCLOSURE INFORMATION REMAINS UNCHANGED;"

2. Page 1, line 13 through line 14.
Strike: "director" on line 13 through "government" on line 14
Insert: "state officer, holdover senator, supreme court justice, and district court judge"

3. Page 1, line 16.
Following: "~~period.~~"
Insert: "An individual filing pursuant to subsection (1)(b) or (1)(c) is not required to file under this subsection (1)(a) during the same period."

4. Page 1, line 23.
Strike: "The"
Insert: "Except as provided in subsection (4), the"

5. Page 2, following line 4.
Insert: "(4) An individual required to file a business disclosure statement may certify that the information required by subsection (2) has not changed from the most recent statement filed by the individual. The commissioner shall provide a certification form."
Renumber: subsequent subsections

6. Page 2, line 5.
Following: "statements"
Insert: "and certification forms"

And, as amended, do pass.

HB 79, be concurred in.
HB 81, be amended as follows:

1. Page 1, line 24.
Following: "ARM, in"
Strike: "an"
Insert: "a printable"

2. Page 1, line 25.

Following: "ARM"
Insert: "freely"

3. Page 2, line 9.
Following: "in"
Strike: "an"
Insert: "a printable"

4. Page 2, line 10.
Following: "register"
Insert: "freely"

And, as amended, be concurred in.

HB 101, be amended as follows:

1. Page 17, line 29.
Following: "~~independent~~"
Strike: "a"
Insert: "an independent"

And, as amended, be concurred in.

HB 159, be concurred in.

TAXATION (Blasdel, Chair): 2/14/2017
SB 137, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "ESTABLISHING" on page 1, line 5 through "REQUIREMENTS;" on page 1, line 6

2. Title, page 1, line 9.
Strike: ", 15-2-201,"
Insert: "AND"
Strike: "15-2-303, 15-2-304, AND 15-2-305,"

3. Page 1, line 14 through page 2, line 12.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 4, line 19 through page 5, line 12.
Strike: section 3 in its entirety
Renumber: subsequent sections

5. Page 6, line 9.

Strike: "A small" through "[section 1]."

6. Page 6, line 11 through page 8, line 5.
Strike: section 5 through section 8 in their entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 150, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

TAXATION (Blasdel, Chair): 2/14/2017
SB 191, do not pass. Adverse committee report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

MESSAGES FROM THE GOVERNOR

February 13, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, February 13, 2017, I signed the following bills:

SB 33 - B. Hoven
SB 36 - D. Ankney
SB 56 - M. MacDonald
SB 77 - N. Swandal
SB 101 - T. Richmond

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/13/2017

HB 266, introduced by N. Ballance
HB 337, introduced by B. Hamlett
HB 347, introduced by D. Jones
HB 220, introduced by K. McCarthy, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

2/13/2017

Yeas - 95
Nays - 0

Senate amendments to House bills concurred in: 2/13/2017

HB 59, introduced by K. Dudik
HB 191, introduced by S. Berglee

Senate amendments to House bills not concurred in: 2/13/2017

HB 146, introduced by Zolnikov

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 244, introduced by R. Webb, referred to Taxation.
SB 245, introduced by D. Salomon, S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 246, introduced by D. Kary, referred to State Administration.
SB 247, introduced by M. Phillips, referred to Agriculture, Livestock and Irrigation.
SB 248, introduced by M. Blasdel, E. Buttrey, P. Connell, S. Fitzpatrick, referred to Local

Government.
SB 249, introduced by N. Swandal, referred to Judiciary.
SB 250, introduced by N. Swandal, referred to Judiciary.
SB 251, introduced by T. Facey, referred to Local Government.
SB 252, introduced by M. Blasdel, referred to Taxation.
SB 253, introduced by M. Blasdel, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 220, introduced by K. McCarthy, J. Gross, referred to Public Health, Welfare and Safety.
HB 266, introduced by N. Ballance, referred to Public Health, Welfare and Safety.
HB 337, introduced by B. Hamlett, B. Brown, Z. Brown, P. Connell, J. Fielder, C. Glimm, J. Knokey, W. Sales, S. Stewart-Peregoy, C. Vincent, referred to Natural Resources.
HB 347, introduced by D. Jones, A. Hertz, J. Knokey, W. McKamey, referred to Business, Labor, and Economic Affairs.

MOTIONS

Majority Leader Thomas moved that consideration of **SJ 5**, item seven on the second-reading agenda, be moved to Monday, February 20, 2017, when the sponsor will be present. Without objection, so ordered.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 13 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 13**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

HB 202 - Senator Swandal moved **HB 202** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 237 - Senator Sands moved **HB 237** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Whitford, Wolken.
Total 42

Nays: Fielder, Hinebauch, Howard, Smith C, Vincent, Welborn, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 246 - Senator Fielder moved **HB 246** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier,

Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 2 - Senator Connell moved **SB 2** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 179 - Senator Fitzpatrick moved **SB 179** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

HB 177 - Senator Sands moved **HB 177** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Blasdel, Hinkle, Smith C, Vance, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 207 - Senator Malek moved **HB 207** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HJ 5 - Senator Small moved **HJ 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 126 - Senator K. Regier moved **SB 126** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 79 - Senator Fitzpatrick moved **SB 79** do pass.

SB 79 - Senator Facey moved **SB 79**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "60%"
Insert: "85%"

2. Page 1, line 22.
Strike: "60%"
Insert: "85%"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 42

Nays: Buttrey, Hinkle, Howard, Moore, Salomon, Webb, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 79 - Bill, as amended, passed as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Pomnichowski, Richmond, Sands, Sesso, Swandal, Tempel, Thomas, Vance, Webb, Whitford, Wolken.
Total 29

Nays: Ankney, Blasdel, Brown, Connell, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Regier, Salomon, Small, Smith C, Smith F, Vincent, Vuckovich, Welborn, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 262 - Senator S. Sales moved **HB 262** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McNally, Pomnichowski, Sands, Sesso, Smith F, Vincent, Whitford.
Total 14

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 55 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.
Total 32

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Moore, Regier, Small, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 17

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

SB 120 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 153 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Hinebauch, Keenan, Smith C, Vance, Vincent, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 26 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson,

Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 41 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 92 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

HB 106 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 111 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 241 concurred in as follows:

Yeas: Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Ankney.
Total 1

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

MOTIONS

Majority Leader Thomas moved that **SB 126**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 101**, heard on second reading this date, be re-referred to the State Administration Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, February 15, 2017, the 33rd legislative day. Motion carried.

Senate adjourned at 2:44 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 15, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Phillips excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/15/2017

Correctly printed: **SB 2**, **SB 150**, **SB 159**, **SB 179**, **SB 189**, **SB 208**, **SB 244**, **SB 245**, **SB 246**, **SB 247**, **SB 248**, **SB 249**, **SB 250**, **SB 251**, **SB 252**, **SB 253**, **HB 48**, **HB 49**, **HB 53**, **HB 79**, **HB 159**, **HB 177**, **HB 202**, **HB 207**, **HB 237**, **HB 246**, **HB 258**, **HB 262**, **HB 278**, **HB 300**, **HJ 5**.

Correctly engrossed: **SB 72**, **SB 79**, **SB 111**, **SB 155**, **SB 166**, **SB 169**, **SR 10**, **SR 25**.

Transmitted to the House: **SB 55**, **SB 120**, **SB 153**, **HB 26**, **HB 41**, **HB 92**, **HB 106**, **HB 111**, **HB 241**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/14/2017

SB 155, introduced bill, be amended as follows:

1. Page 2, line 23.
Strike: ":"
Insert: ". This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities. "

And, as amended, do pass.

SR 10, introduced resolution, be amended as follows:

1. Title, page 1, line 5.
Strike: "APPOINTMENTS" through "LIVESTOCK"
Insert: "APPOINTMENT TO THE BOARD OF HAIL INSURANCE"

2. Page 1, line 9.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 10.

Strike: "have"
Insert: "has"

4. Page 1, line 11.
Strike: "(1)"

5. Page 1, line 13 through line 21.
Strike: subsection (2) through subsection (4) in their entirety

6. Page 1, line 25.
Strike: "appointments"
Insert: "appointment"

And, as amended, be adopted.

SR 29, introduced resolution, be adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/15/2017
SB 166, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "AUTHORITY;"
Insert: "REPEALING SECTIONS 37-8-451 AND 37-8-452, MCA;"

2. Title, page 1, line 5.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

3. Page 17, line 10.
Following: line 9
Insert: "NEW SECTION. **Section 2. Repealer.** The following sections of the Montana Code Annotated are repealed:
37-8-451. Nurse licensure compact -- enactment.
37-8-452. Nurse licensure compact -- supplemental provisions."
Renumber: subsequent sections

4. Page 17, line 14.
Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2017.
(2) [Section 2] is effective January 1, 2019."

And, as amended, do pass.

SB 169, introduced bill, be amended as follows:

1. Page 2, line 14.
Following: "implements."
Strike: remainder of line 14
Insert: "(4) If the grantor exercises its right of first refusal under this section, the grantor and dealer shall use best efforts to complete the transaction within 120 calendar days after the fair market value has been determined under subsection (2). If the grantor elects not to exercise its right of first refusal, the proposed transfer or sale remains subject to further review pursuant to 30-11-804 through 30-11-806. During the 60-day period set forth in subsection (1)(a) of this section, the grantor shall assess whether the proposed new owner or transferee meets the requirements of 30-11-804."

2. Page 3, line 18.
Following: "equipment."
Strike: remainder of line 18
Insert: "(4) If the grantor exercises its right of first refusal under this section, the grantor and dealer shall use best efforts to complete the transaction within 120 calendar days after the fair market value has been determined under subsection (2). If the grantor elects not to exercise its right of first refusal, the proposed transfer or sale remains subject to further review pursuant to 30-11-904 through 30-11-906. During the 60-day period set forth in subsection (1)(a) of this section, the grantor shall assess whether the proposed new owner or transferee meets the requirements of 30-11-904."

And, as amended, do pass.

SB 184, do pass.
SR 17, be adopted.
SR 23, be adopted.
SR 25, introduced resolution, be amended as follows:

1. Page 1, line 17.
Strike: line 17

And, as amended, be adopted.

FINANCE AND CLAIMS (Jones, Chair): 2/14/2017
SB 72, introduced bill, be amended as follows:

1. Page 3, line 28.
Following: line 28
Insert: "(5) Benefits from the account must be paid in accordance with the money in the account. If the department determines at any time that the money in the account is not adequate to fully pay all claims, the department may make appropriate proportionate reductions in benefits to all claimants. The reductions do not entitle claimants to retroactive reimbursements in the future."

2. Page 5, line 22 through line 27.
Strike: section 9 in its entirety
Insert: "NEW SECTION. **Section 9. Transfer.** By August 15, 2017, the state treasurer will transfer $500,000 from the tobacco trust interest account established in 17-6-603 to the presumptive disease compensation account created in [section 5]."

And, as amended, do pass.

FISH AND GAME (Fielder, Chair): 2/14/2017
SB 111, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TURKEYS;"
Insert: "PROVIDING AN EXEMPTION;"

2. Page 1, line 10.
Following: "**feeding**"
Insert: "-- exemption"

3. Page 1, line 10.
Following: "(1)"
Strike: "A"
Insert: "Except as provided in subsection (2), a"

4. Page 1, line 20.
Following: line 19
Insert: "(2) A person may provide supplemental feed to wild turkeys unless the department finds that supplemental feed harms the local population of wild turkeys or creates a public nuisance as defined in 45-8-111."
Renumber: subsequent subsections

And, as amended, do pass.

SB 171, do pass.
SB 183, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/14/2017

SB 52, introduced by J. Cohenour

House bills passed and transmitted to the Senate for concurrence: 2/14/2017

HB 255, introduced by B. Tschida
HB 287, introduced by B. Bennett
HB 340, introduced by D. Skees

House joint resolutions passed and transmitted to the Senate for concurrence: 2/14/2017

HJ 6, introduced by E. Hill Smith
HJ 7, introduced by E. Hill Smith

HB 146 - The House failed to concur in Senate amendments to **HB 146,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 146:** 2/14/2017

Representative Doane
Representative Swanson
Representative Zolnikov

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 254, introduced by M. Blasdel, E. Buttrey, J. Cohenour, B. Keenan, J. Sesso, referred to Business, Labor, and Economic Affairs.
SB 255, introduced by R. Webb, referred to Judiciary.
SB 256, introduced by D. Brown, referred to State Administration.
SB 257, introduced by R. Webb, referred to Judiciary.
SB 258, introduced by N. Swandal, referred to Judiciary.
SB 259, introduced by S. Fitzpatrick, referred to Judiciary.
SB 260, introduced by L. Jones, D. Brown, E. Buttrey, R. Cook, G. Custer, J. Essmann, F. Garner, F. Moore, A. Olszewski, R. Osmundson, J. Patelis, R. Shaw, J. Welborn, referred to Finance and Claims.
SB 261, introduced by L. Jones, N. Ballance, M. Blasdel, R. Brodehl, D. Brown, E. Buttrey, P. Connell, R. Ehli, T. Gauthier, B. Keenan, F. Moore, A. Olszewski, R. Osmundson, F. Thomas, J. Welborn, referred to Finance and Claims.
SB 262, introduced by E. McClafferty, D. Barrett, C. Boland, M. Caferro, J. Cohenour, T. Facey, J. Gross, M. MacDonald, M. McNally, J. Pomnichowski, D. Sands, J. Sesso, K. Swanson, G. Vuckovich, C. Wolken, referred to Highways and Transportation.
SB 263, introduced by D. Brown, referred to State Administration.
SB 264, introduced by N. Swandal, referred to Business, Labor, and Economic Affairs.
SB 265, introduced by J. Cohenour, N. Swandal, referred to Judiciary.
SB 266, introduced by J. Cohenour, referred to Local Government.
SB 267, introduced by J. Cohenour, referred to State Administration.

SB 268, introduced by S. Fitzpatrick, M. Blasdel, S. Sales, F. Thomas, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 38, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 39, introduced by G. Vance, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 255, introduced by B. Tschida, A. Doane, A. Hertz, D. Jones, C. Knudsen, R. Osmundson, M. Regier, D. Skees, F. Thomas, S. Vinton, R. Webb, referred to State Administration.
HB 287, introduced by B. Bennett, G. Custer, E. Greef, D. Hayman, G. Hertz, M. Hopkins, K. Kelker, S. Morigeau, J. Trebas, referred to State Administration.
HB 340, introduced by D. Skees, F. Anderson, D. Bartel, S. Berglee, B. Brown, A. Doane, W. Galt, C. Glimm, S. Gunderson, B. Harris, S. Hinebauch, M. Hopkins, J. Knokey, C. Knudsen, D. Loge, T. Manzella, D. Mortensen, J. O'Hara, R. Osmundson, J. Patelis, A. Redfield, C. Smith, J. Trebas, B. Tschida, B. Usher, S. Vinton, K. Wagoner, P. Webb, R. Webb, K. White, referred to Legislative Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 6, introduced by E. Hill Smith, referred to Public Health, Welfare and Safety.
HJ 7, introduced by E. Hill Smith, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 8 - Senator Buttrey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 8**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 139 - Senator Ankney moved **SB 139** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 78 - Senator K. Regier moved **SB 78** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 102 - Senator Richmond moved **SB 102** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, Hinkle, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Smith F, Tempel, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 112 - Senator Cohenour moved **HB 112** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 132 - Senator Richmond moved **SB 132** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SJ 6 - Senator Ankney moved **SJ 6** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Barrett, Cohenour, Facey, MacDonald, Malek, McNally, Pomnichowski, Sands.
Total 8

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 2 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 113 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Sesso, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Wolken.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Sands, Small, Smith F, Tempel, Vuckovich, Whitford, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 179 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Vuckovich.
Total 1

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 177 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Blasdel, Brown, Hinkle, Smith C, Vance, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 202 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

HB 207 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 237 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Fielder, Hinebauch, Howard, Smith C, Vance, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 246 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier,

Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 262 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HJ 5 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Phillips.
Total 1

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 146**. Without objection, so ordered. President Sales appointed:

Senator Vance, Chair
Senator Buttrey
Senator Whitford

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, February 16, 2017, the thirty-fourth legislative day Motion carried.

Senate adjourned at 2:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 16, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Whitford. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator McClafferty excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/16/2017
Correctly printed: **SB 78**, **SB 102**, **SB 132**, **SB 139**, **SB 171**, **SB 183**, **SB 184**, **SB 254**, **SB 255**, **SB 256**, **SB 257**, **SB 258**, **SB 259**, **SB 260**, **SB 261**, **SB 262**, **SB 263**, **SB 264**, **SB 265**, **SB 266**, **SB 267**, **SB 268**, **SJ 6**, **SR 17**, **SR 23**, **SR 29**, **SR 38**, **SR 39**, **HB 112**.
Correctly enrolled: **SB 52**, **SR 8**, **SR 13**.
Transmitted to the House: **SB 2**, **SB 113**, **SB 179**, **HB 177**, **HB 202**, **HB 207**, **HB 237**, **HB 246**, **HB 262**, **HJ 5**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/15/2017
HB 232, be concurred in.
HB 248, be concurred in.

JUDICIARY (Regier, Chair): 2/15/2017
SB 175, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "SECTIONS"
Insert: "70-24-303,"
Following: "70-24-430,"
Insert: "70-33-303,"

2. Page 1, line 10.
Following: line 10
Insert: "Section 1. Section 70-24-303, MCA, is amended to read:
"70-24-303. Landlord to maintain premises -- agreement that tenant perform duties -- limitation of landlord's liability for failure of smoke detector or carbon monoxide detector.
(1) A landlord:
(a) shall comply with the requirements of applicable building and housing codes materially affecting health and safety in effect at the time of original construction in all dwelling units where construction is completed after July 1, 1977;
(b) may not knowingly allow any tenant or other person to engage in any activity on the premises that creates a reasonable potential that the premises may be damaged or destroyed or

that neighboring tenants may be injured;

(c) shall make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition~~;~~. If the tenant gives written notice to the landlord or authorized person requesting the maintenance or repair of specific items, the landlord or authorized person has 7 days to comply with the written notice given by the tenant.

(d) shall keep all common areas of the premises in a clean and safe condition;

(e) shall maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

(f) shall, unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;

(g) shall supply running water and reasonable amounts of hot water at all times and reasonable heat between October 1 and May 1, except if the building that includes the dwelling unit is not required by law to be equipped for that purpose or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant; and

(h) shall install in each dwelling unit under the landlord's control an approved carbon monoxide detector, in accordance with rules adopted by the department of labor and industry, and an approved smoke detector, in accordance with rules adopted by the department of justice. Upon commencement of a rental agreement, the landlord shall verify that the carbon monoxide detector and the smoke detector in the dwelling unit are in good working order. The tenant shall maintain the carbon monoxide detector and the smoke detector in good working order during the tenant's rental period. For the purposes of this subsection, an approved carbon monoxide detector, as defined in 70-20-113, and an approved smoke detector, as defined in 70-20-113, bear a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b) through (1)(h), a landlord's duty must be determined by reference to subsection (1)(a).

(3) A landlord and tenant of a one-, two-, or three-family residence may agree in writing that the tenant perform the landlord's duties specified in subsections (1)(f) and (1)(g) and specified repairs, maintenance tasks, alteration, and remodeling but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(4) A landlord and tenant of a one-, two-, or three-family residence may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:

(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(b) the work is not necessary to cure noncompliance with subsection (1)(a); and

(c) the agreement does not diminish the obligation of the landlord to other tenants in the premises.

(5) The landlord is not liable for damages caused as a result of the failure of the carbon monoxide detector or the smoke detector required under subsection (1)(h)."""

Renumber: subsequent sections

3. Page 4, line 18.

Following: line 18
Insert: "Section 5. Section 70-33-303, MCA, is amended to read:

"70-33-303. Landlord to maintain premises -- agreement that tenant perform duties. (1) A landlord shall:

(a) comply with the requirements of applicable building and housing codes materially affecting health and safety;

(b) make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition~~;~~. If the tenant gives written notice to the landlord or authorized person requesting the maintenance or repair of specific items, the landlord or authorized person has 7 days to comply with the written notice given by the tenant.

(c) keep all common areas of the premises in a clean and safe condition;

(d) for the premises, maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

(e) unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the lot and arrange for their removal; and

(f) supply running water at all times unless the lot is not required by law to be equipped for that purpose or the running water is generated by an installation within the exclusive control of the tenant.

(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b) through (1)(f), a landlord's duty must be determined by reference to subsection (1)(a).

(3) A landlord and tenant may agree in writing that the tenant is to perform the landlord's duties specified in subsections (1)(e) and (1)(f) but only if the agreement is entered into in good faith and not for the purpose of evading the obligations of the landlord.

(4) A landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:

(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;

(b) the work is not necessary to cure noncompliance with subsection (1)(a); and

(c) the agreement does not diminish the obligation of the landlord to other tenants.""
Renumber: subsequent sections

And, as amended, do pass.

SB 176, introduced bill, be amended as follows:

1. Page 2, line 15.
Following: "three-family"
Insert: "or larger"

2. Page 2, line 19.
Following: "three-family"
Insert: "or larger"

3. Page 2, line 30.
Following: "~~unreasonably~~"
Insert: "unreasonably"

4. Page 3, line 15.
Following: "(5)"
Insert: "(a)"

5. Page 3, line 18.
Following: line 18
Insert: "(b) At the request of a tenant, the landlord shall provide, at the tenant's expense, new locks to the exterior doors of the premises. When the tenancy is vacated the tenant shall retain the locks unless it is a master keyed system; then the landlord shall provide a new keyed locking mechanism at no expense to the tenant.

(c) If the tenant adds a new lock to any interior door of the premises, the tenant shall provide a key to the landlord at the tenant's expense and is responsible for any damage caused by the installation of the new lock to the premises. The cost of the damage may be deducted from the tenant's security deposit, and the tenant shall return the original doorknob to the landlord if the doorknob was removed."

And, as amended, do pass.

SB 177, do pass.
SB 200, do pass.

JUDICIARY (Regier, Chair): 2/16/2017

SJ 11, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/15/2017
SB 160, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "FOR"
Insert: "MEDICAID"
Strike: "BY MENTAL HEALTH CENTERS"
Insert: "TO INDIVIDUALS SUFFERING FROM MENTAL ILLNESS AND CO-OCCURRING DISORDERS; REQUIRING A REPORT"

2. Title, page 1, line 7.
Strike: "SECTIONS 53-21-1002 AND 53-21-1007"
Insert: "SECTION 53-6-101"

3. Page 1, line 11 through page 3, line 13.
Strike: everything after the enacting clause

Insert: "Section 1. Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program -- authorization of services. (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age;

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2); and

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153.

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of professional counselors licensed under Title 37, chapter 23;

(m) hospice care, as defined in 42 U.S.C. 1396d(o);

(n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

(o) services of psychologists licensed under Title 37, chapter 17;

(p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; and

(q) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving financial assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child under the FAIM project and for all adult recipients of medical assistance only who are covered under a group related to a program providing financial assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(q) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) <u>(a)</u> The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

<u>(b) The department shall strive to close gaps in services provided to individuals suffering</u>

from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2)."""

And, as amended, do pass.

SB 192, do pass.
SB 205, do pass.
HB 24, be amended as follows:

1. Title, page 1, line 10.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 14.
Strike: "(A)"

3. Page 1, line 15 through line 16.
Strike: "AN" on line 15 through "EMPLOYEE" on line 16
Insert: "If a qualified individual, investment adviser, investment adviser representative, or salesperson"

4. Page 1, line 18 through line 24.
Strike: ":" on line 18 through "COMMISSIONER." on line 24
Insert: ", the qualified individual, investment adviser, investment adviser representative, or salesperson may promptly report the suspected exploitation to the commissioner in the manner outlined in the broker-dealer's or investment adviser's policies and procedures for reporting suspected exploitation. If the policies and procedures do not have a manner

outlined, the qualified individual, investment adviser, investment adviser representative, or salesperson may report the suspected exploitation directly to the commissioner."

5. Page 17, line 23.
Insert: "NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/15/2017
SB 152, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 10.
Strike: "REVISING" on line 8 through "PLAN;" on line 10

2. Title, page 1, line 11.
Following: "2-18-703,"
Insert: "AND"
Following: "2-18-812,"
Strike: "AND 5-2-303,"

3. Page 1, line 21.
Strike: "amount of compensation"
Insert: "base hourly pay rate annualized"
Following: "excluding"
Strike: ":"
Insert: "overtime and longevity."

4. Page 1, line 22 through line 26.
Strike: subsection (a) through subsection (c) in their entirety

5. Page 10, line 14 through page 11, line 4.
Strike: section 6 in its entirety
Renumber: subsequent sections

6. Page 11, line 8.
Strike: "[Sections" through "section]"
Insert: "[Section 4] and this section"

7. Page 11, line 10.
Strike: "[Sections 4 and 6] apply"
Insert: "[Section 4] applies"

And, as amended, do pass.

SB 158, do pass.
SB 163, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: "~~precincts.~~"
Insert: "If the list is insufficient or if one or more of the eligible political parties fails to submit a list meeting the requirements of this section, the election administrator may select enough people meeting the qualifications of 13-4-107 to fill election judge vacancies in all precincts."

And, as amended, do pass.

SR 26, be adopted.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 18**
Report No. 001, February 15, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 18** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 18** (reference copy -- salmon) be amended as follows:

1. Page 14, line 12.
Strike: "SEPTEMBER 30"
Insert: "....."

2. Page 25, line 28.
Strike: "county treasurer"
Insert: "COUNTY TREASURER"

For the Senate:	For the House:
Blasdel, Chair	Galt
McClafferty	Jacobson
Tempel	Redfield

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/15/2017

SB 32, introduced by K. Regier

House bills passed and transmitted to the Senate for concurrence: 2/15/2017

HB 61, introduced by F. Garner
HB 147, introduced by D. Zolnikov
HB 149, introduced by D. Zolnikov
HB 175, introduced by J. Hamilton
HB 280, introduced by R. Brodehl
HB 283, introduced by T. Burnett
HB 289, introduced by T. Jacobson
HB 311, introduced by R. Peppers
HB 370, introduced by B. Bennett

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 269, introduced by M. Caferro, referred to Local Government.
SB 270, introduced by D. Kary, referred to State Administration.
SB 271, introduced by F. Thomas, M. Blasdel, M. Caferro, R. Ehli, W. Galt, B. Keenan, referred to Public Health, Welfare and Safety.
SB 272, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 273, introduced by F. Moore, referred to Energy and Telecommunications.
SB 274, introduced by E. Buttrey, referred to Local Government.
SB 275, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 276, introduced by R. Webb, referred to Judiciary.
SB 277, introduced by T. Richmond, P. Connell, referred to Energy and Telecommunications.
SB 278, introduced by S. Hinebauch, J. Fielder, T. Gauthier, B. Hoven, C. Knudsen, K. Regier, T. Richmond, S. Staffanson, referred to Local Government.
SB 279, introduced by C. Vincent, referred to State Administration.
SB 280, introduced by S. Malek, referred to Judiciary.
SB 281, introduced by C. Vincent, K. White, referred to Natural Resources.
SB 282, introduced by A. Olszewski, M. Blasdel, R. Brodehl, D. Brown, T. Burnett, E. Buttrey, R. Ehli, J. Fielder, T. Gauthier, C. Glimm, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, D. Howard, D. Jones, L. Jones, D. Kary, B. Keenan, M. Lang, D. Lenz, F. Mandeville, T. Manzella, M. Noland, R. Osmundson, M. Regier, T. Richmond, S. Sales, D. Salomon, D. Skees, C. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, S. Vinton, R. Webb, J. Welborn, J. Windy Boy, referred to Judiciary.

SB 283, introduced by A. Olszewski, R. Cook, L. Jones, referred to Public Health, Welfare and Safety.
SB 284, introduced by M. Lang, P. Connell, referred to Natural Resources.
SB 285, introduced by M. Lang, R. Tempel, referred to Agriculture, Livestock and Irrigation.
SB 286, introduced by F. Moore, referred to Judiciary.
SB 287, introduced by L. Jones, R. Cook, R. Fitzgerald, referred to Finance and Claims.
SB 288, introduced by E. Buttrey, P. Connell, F. Moore, F. Thomas, referred to Judiciary.
SB 289, introduced by F. Moore, referred to Business, Labor, and Economic Affairs.
SB 290, introduced by J. Cohenour, referred to Highways and Transportation.
SB 291, introduced by T. Facey, R. Lynch, V. Ricci, G. Vance, referred to Business, Labor, and Economic Affairs.
SB 292, introduced by T. Facey, R. Lynch, V. Ricci, G. Vance, referred to Business, Labor, and Economic Affairs.
SB 293, introduced by C. Smith, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 40, introduced by C. Vincent, referred to Natural Resources.
SR 41, introduced by C. Vincent, referred to Natural Resources.
SR 42, introduced by C. Vincent, referred to Natural Resources.
SR 43, introduced by C. Vincent, referred to Natural Resources.
SR 44, introduced by C. Vincent, referred to Natural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 13, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced and read first time:

SJ 14, introduced by R. Webb.

The following House bills were introduced, read first time, and referred to committees:

HB 61, introduced by F. Garner (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 147, introduced by D. Zolnikov, referred to Judiciary.
HB 149, introduced by D. Zolnikov, referred to Judiciary.
HB 175, introduced by J. Hamilton, E. McClafferty, referred to Taxation.
HB 280, introduced by R. Brodehl, D. Bartel, B. Brown, M. Cuffe, R. Ehli, W. Galt, C. Glimm, E. Greef, B. Harris, G. Hertz, M. Hopkins, D. Howard, D. Jones, J. Knokey, A. Knudsen, C. Knudsen, D. Lenz, F. Mandeville, T. Manzella, W. McKamey, D. Mortensen, J. O'Hara, R. Osmundson, A. Redfield, V. Ricci, A. Rosendale, L. Sheldon-Galloway, D. Skees, C. Smith, B. Tschida, G. Vance, S. Vinton, K. Wagoner, P. Webb, K. White, referred to Judiciary.
HB 283, introduced by T. Burnett, referred to State Administration.
HB 289, introduced by T. Jacobson, referred to Fish and Game.

HB 311, introduced by R. Peppers, D. Bartel, C. Knudsen, J. Trebas, referred to Fish and Game.
HB 370, introduced by B. Bennett, J. Fleming, D. Hayman, S. Morigeau, Wagoner, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 258 - Senator Swandal moved **HB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 278 - Senator K. Regier moved **HB 278** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 300 - Senator R. Webb moved **HB 300** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Phillips, Pomnichowski, Sesso.
Total 3

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

SB 189 - Majority Leader Thomas moved consideration of **SB 189** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 208 - Majority Leader Thomas moved consideration of **SB 208** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 48 - Senator Fielder moved **HB 48** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 49 - Senator Barrett moved **HB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 53 - Senator Cohenour moved **HB 53** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 79 - Senator Swandal moved **HB 79** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 81 - Senator D. Brown moved **HB 81** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Malek, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 159 - Senator L. Jones moved **HB 159** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

SB 149 - Senator Kary moved **SB 149** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 294, introduced by S. Fitzpatrick, referred to State Administration.

MOTIONS

Majority Leader Thomas moved that **SB 79** be taken from the third reading agenda this date and placed on second reading on Saturday, February 18, 2017. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 78 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

SB 102 passed as follows:

Yeas: Ankney, Blasdel, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Webb, Welborn, Mr.President.
Total 25

Nays: Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Facey, Gross, Hinkle, Jones, MacDonald, Malek, McNally, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vincent, Vuckovich, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

SB 132 passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

SB 139 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

SJ 6 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

HB 112 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McClafferty.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 17, 2017, the thirty-fifth legislative day. Motion carried.

Senate adjourned at 1:47 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 17, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Connell. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/17/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 149**, **SB 158**, **SB 177**, **SB 192**, **SB 200**, **SB 205**, **SB 269**, **SB 270**, **SB 271**, **SB 272**, **SB 273**, **SB 274**, **SB 275**, **SB 276**, **SB 277**, **SB 278**, **SB 279**, **SB 280**, **SB 281**, **SB 282**, **SB 283**, **SB 284**, **SB 285**, **SB 286**, **SB 287**, **SB 288**, **SB 289**, **SB 290**, **SB 291**, **SB 292**, **SB 293**, **SB 294**, **SR 26**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 44**, **SJ 11**, **SJ 13**, **HB 48**, **HB 49**, **HB 53**, **HB 79**, **HB 81**, **HB 159**, **HB 232**, **HB 248**, **HB 258**, **HB 278**, **HB 300**.
Correctly engrossed: **SB 96**, **SB 152**, **SB 154**, **SB 160**, **SB 163**, **SB 168**, **SB 175**, **SB 176**, **SB 182**, **HB 24**.
Correctly enrolled: **SB 32**.
Examined by the sponsor and found to be correct: **SB 32**, **SB 52**, **SR 8**, **SR 13**.
Transmitted to the House: **SB 78**, **SB 102**, **SB 132**, **SB 139**, **SJ 6**, **HB 112**.

Senator Blasdel thanked the Pages for their service this week.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/16/2017
SR 30, be adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/17/2017
SB 195, introduced bill, be amended as follows:

1. Page 3, line 2.
Strike: "or"

2. Page 3, line 4.
Following: "nonprofit association"
Strike: "."

Insert: "; or
(f) an organization formed by order of the Montana supreme court."

And, as amended, do pass.

SB 216, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: line 21
Insert: "(3) This section does not apply to the extent that the bankruptcy, creditor, and other processes in subsection (1) relate to recovery of eligible medical expenses incurred by an individual from the individual's medical care savings account, health savings account, or medical savings account."

And, as amended, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/16/2017
SB 154, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "SECTIONS"
Strike: "15-32-102" through "MCA;"
Insert: "15-6-224, 15-32-201, 15-32-202, 15-32-402, 15-32-404, 90-4-602, AND 90-4-1005, MCA;"

2. Title, page 1, line 10.
Strike: "REPEALING" through "15-32-407, MCA;"

3. Title, page 1, line 11.
Strike: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 15 through page 5, line 12.
Strike: everything after the enacting clause
Insert: "Section 1. Section 15-6-224, MCA, is amended to read:
"15-6-224. Nonfossil energy generation. (1) ~~The~~ Except as provided in subsection (2), the following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low-emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:
~~(1)~~(a) $20,000 in the case of a single-family residential dwelling;
~~(2)~~(b) $100,000 in the case of a multifamily residential dwelling or a nonresidential structure.
(2) The tax exemption for the portions of the appraised value of a capital investment in a net metering system, as defined in 69-8-103, that interconnects with a utility may not be first claimed for tax years beginning after December 31, 2017. An exemption first claimed for a net metering system before tax years beginning January 1, 2018, may be claimed for the 10 years following installation of the net metering system in accordance with this section.""

Insert: "Section 2. Section 15-32-201, MCA, is amended to read:

"15-32-201. Amount of credit -- to whom available. (1) ~~A~~ Except as provided in subsection (3), a resident individual taxpayer who completes installation of an energy system using a recognized nonfossil form of energy generation, as defined in 15-32-102, to provide heat for the taxpayer's principal dwelling is allowed to claim a tax credit in an amount equal to the cost of the system, including installation costs, less grants received, not to exceed $500, against the income tax liability imposed against the taxpayer pursuant to chapter 30.

(2) A resident individual taxpayer who completes installation of an energy system using a low-emission wood or biomass combustion device, as defined in 15-32-102, to provide heat for the taxpayer's principal dwelling is allowed to claim a tax credit in an amount equal to the cost of the system, including the installation costs, not to exceed $500, against the income tax liability imposed against the taxpayer pursuant to Title 15, chapter 30.

(3) A tax credit for the portions of the installation of a net metering system, as defined in 69-8-103, that interconnects with a utility may not be first claimed for tax years beginning after December 31, 2017.""

Insert: "Section 3. Section 15-32-202, MCA, is amended to read:

"15-32-202. Taxable years in which credit may be claimed -- carryover. (1) The tax credit is to be deducted from the taxpayer's income tax liability for the taxable year in which the energy system was acquired by the taxpayer. ~~If~~ Except as provided in subsections (2) and (3), if the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount ~~which~~ that exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability.

(2) ~~Notwithstanding the foregoing provision, no~~ A tax credit may not be carried over for deduction after the fourth taxable year succeeding the taxable year in which the energy system was acquired.

(3) A credit granted for a net metering system before the tax year beginning January 1, 2018, may be carried forward for the 4 years following installation of the net metering system in accordance with subsection (2).""

Insert: "Section 4. Section 15-32-402, MCA, is amended to read:

"15-32-402. Commercial or net metering system investment credit -- alternative energy systems. (1) ~~An~~ Except as provided in subsection (4), an individual, corporation, partnership, or small business corporation as defined in 15-30-3301 that makes an investment of $5,000 or more in property that is depreciable under the Internal Revenue Code for a commercial system or a net metering system, as defined in 69-8-103, that is located in Montana and that generates energy by means of an alternative renewable energy source, as defined in 15-6-225, is entitled to a tax credit against taxes imposed by 15-30-2103 or 15-31-121 in an amount equal to 35% of the eligible costs, to be taken as a credit only against taxes due as a consequence of taxable or net income produced by one of the following:

(a) manufacturing plants located in Montana that produce alternative energy generating equipment;

(b) a new business facility or the expanded portion of an existing business facility for which the alternative energy generating equipment supplies, on a direct contract sales basis, the basic energy needed; or

(c) the alternative energy generating equipment in which the investment for which a credit

is being claimed was made.

(2) For purposes of determining the amount of the tax credit that may be claimed under subsection (1), eligible costs include only those expenditures that are associated with the purchase, installation, or upgrading of:

(a) generating equipment;

(b) safety devices and storage components;

(c) transmission lines necessary to connect with existing transmission facilities; and

(d) transmission lines necessary to connect directly to the purchaser of the electricity when no other transmission facilities are available.

(3) Eligible costs under subsection (2) must be reduced by the amount of any grants provided by the state or federal government for the system.

(4) A tax credit for eligible costs of an investment in a net metering system, as defined in 69-8-103, that interconnects with a utility may not be first claimed for tax years beginning after December 31, 2017.""

Insert: "Section 5. Section 15-32-404, MCA, is amended to read:

"15-32-404. Carryover of credit. (1) The tax credit allowed under 15-32-402 is to be deducted from that portion of the taxpayer's tax liability as set forth in 15-32-402(1) for the tax year in which the equipment invested in by the taxpayer is placed in service. If the amount of the tax credit exceeds the taxpayer's tax liability for the tax year, the amount that exceeds the tax liability may be carried over for credit against the taxpayer's tax liability in the next succeeding tax year or years until the total amount of the tax credit has been deducted from tax liability. However, except as provided in ~~subsection~~ subsections (2) and (3), a credit may not be carried beyond the seventh tax year succeeding the tax year in which the equipment was placed in service.

(2) A credit may be extended through the 15th tax year succeeding the tax year in which the equipment was placed in service if an individual, corporation, partnership, or small business corporation, as defined in 15-30-3301:

(a) invests in a commercial system located within the exterior boundaries of a Montana Indian reservation, which commercial system is 5 megawatts or larger in size; and

(b) signs an employment agreement with the tribal government of the reservation where the commercial system would be constructed regarding the training and employment of tribal members in the construction, operation, and maintenance of the commercial system.

(3) A credit granted for an investment in a net metering system before the tax year beginning January 1, 2018, may be carried forward for 7 years following an investment in the net metering system in accordance with subsection (1) or for 15 years in accordance with subsection (2).""

Insert: "Section 6. Section 90-4-602, MCA, is amended to read:

"90-4-602. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Board" means the board of examiners provided for in 2-15-1007.

(2) "Cost" includes the expenses related to planning, design, construction, and installation of energy conservation improvements and any administrative expenses of the department incurred in the performance of its duties under the energy conservation program.

(3) "Department" means the department of environmental quality provided for in 2-15-3501.

(4)(a) "Energy conservation program" means a program for the financing, acquisition, construction, and installation of alternative energy systems, as defined in 15-32-102, or equipment,

systems, and improvements in state-owned buildings, structures, and facilities that save energy or water.

(b) The term does not include the financing, acquisition, construction, and installation of a net metering system, as defined in 69-8-103, that interconnects with a utility.

(5) "Energy conservation program bonds" includes all series of bonds issued to finance any portion of the energy conservation program.

(6) "Energy cost savings" means the savings in utility costs to a state agency as a result of an energy conservation program.

(7) "Participating state agency" means, for a state-owned building, structure, or facility, the state agency that pays for the utilities for that building.

(8) "State agency" means:

(a) each executive, legislative, or judicial branch department, office, or agency;

(b) the university system; and

(c) a community college district.""

Insert: "Section 7. Section 90-4-1005, MCA, is amended to read:

"90-4-1005. Energy development and demonstration grant program. (1) There is an energy development and demonstration grant program within the department of environmental quality to fund technology development and demonstration:

(a) advancing the development and utilization of energy storage systems, including but not limited to mediums, such as accumulators, fuel cells, and batteries, that store energy that may be drawn upon at a later date for use;

(b) developing storage systems specifically designed to store energy generated from eligible renewable resources as defined in 69-3-2003, including but not limited to compressed air energy storage systems;

(c) promoting the efficiency, environmental performance, and cost-competitiveness of energy storage systems beyond the current level of technology; and

(d) except as provided in subsection (5), advancing the development of alternative energy systems as defined in 15-32-102.

(2) Entities that may be eligible for grants include but are not limited to units of the Montana university system, agricultural research centers, or private entities or research centers.

(3) Money appropriated to the department of environmental quality for the purpose of the energy development and demonstration grant program may be used by the department for providing individual grants in amounts up to $500,000 and for administrative costs of 1% of the grant award.

(4) The grant application may include:

(a) a project plan sufficient to allow a reasonable determination regarding the potential feasibility of advancing energy storage or alternative energy systems;

(b) a business plan to allow a reasonable determination regarding the financial feasibility of the project; and

(c) a reporting process to ensure progress toward project goals.

(5) The grant program may not be used to fund net metering systems, as defined in 69-8-103, that interconnect with a utility.""

Insert: "NEW SECTION. **Section 8. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. **Section 9. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Insert: "NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 168, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "HEARING"
Insert: "MEETING"

2. Page 1, line 20.
Strike: "12"
Insert: "9"

3. Page 1, line 23 through line 24.
Strike: ":" on line 23 through "(a)" on line 24

4. Page 1, line 24.
Strike: "hearing" in both places
Insert: "meeting" in both places

5. Page 1, line 25.
Following: "published"
Insert: "once a week"
Strike: "hearing"
Insert: "meeting"

6. Page 1, line 26 through line 28.
Strike: subsection (b) in its entirety

And, as amended, do pass.

FINANCE AND CLAIMS (Jones, Chair): 2/16/2017
SB 96, introduced bill, be amended as follows:

1. Page 5, line 26.
Strike: "(A)"

2. Page 6, line 1 through line 3.
Strike: subsection (B) in its entirety

And, as amended, do pass.

HB 3, be amended as follows:

1. Page 1, line 24.
Strike: "$16,500,000"
Insert: "$17,300,000"

2. Page 3, line 20.
Strike: "MARCH 1"
Insert: "MARCH 11"

3. Page 4, line 24.
Following: "provided"
Insert: "in"

And, as amended, be concurred in.

HB 304, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/16/2017
SB 182, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "PUBLIC HEARINGS FOR"
Insert: "THE DEPARTMENT OF TRANSPORTATION TO INFORM THE PUBLIC REGARDING"

2. Title, line 7.
Strike: "REQUIRING NOTIFICATION OF THE HEARINGS;"

3. Page 1, line 12 through page 2, line 5.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Construction projects -- project impacts -- notice.** (1) (a) After the commission has selected and prioritized a construction project under 60-2-110, the department or the commission shall determine whether the project will have a substantial impact on the public. If the department or the commission determines that the project will have a substantial impact, the department shall ensure that the public, in the area where the project is located and in areas adjacent to the project area, as provided in subsection (3)(a)(i), is notified of the project and is provided with periodic updates on the status of the project as provided in this section.

(b) A project with a substantial impact includes but is not limited to a project for which additional right-of-way is necessary for project completion.

(2) (a) The department shall engage the public through informational meetings or other appropriate means at major milestones in phases of the project, from the selection of the project by the commission to project completion. To engage and inform the public, the department shall:

(i) place and maintain current information regarding the status of the project in a prominent location on the department's website;

(ii) use newspaper, television, and radio formats as appropriate to provide information to the public regarding the status of the project;

(iii) investigate the use of other types of media, such as electronic social media, to provide information to the public regarding the status of the project; and

(iv) maintain an electronic notification list as provided in subsection (3).

(b) For the purposes of this section, phases of a project include but are not limited to survey, design, and right-of-way phases of a project.

(3) (a) For each proposed project identified under subsection (1), the department shall maintain a list of:

(i) all local government and tribal government entities within which the project will be located that are likely to be impacted by the project or that are adjacent to the project area; and

(ii) organizations and associations that represent motorists and commercial motor vehicle companies and operators that regularly conduct business in the project area and any other organizations or entities that represent travelers or those who regularly use highways in the project area for recreational or business purposes.

(b) The department shall notify the entities identified in subsection (3)(a) when the commission selects a construction project as provided in subsection (1) and shall provide project updates of major milestones in phases of the project through electronic communication to any entity that submits a request to receive updates."

Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 60, chapter 2, part 2, and the provisions of Title 60, chapter 2, part 2, apply to [section 1]."

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2017."

Insert: "NEW SECTION. **Section 4. Applicability.** [This act] applies to projects that are selected and prioritized under 60-2-110 on or after [the effective date of this act]."

And, as amended, do pass.

SB 212, do pass.
SB 231, do pass.

TAXATION (Blasdel, Chair): 2/17/2017
SB 156, do pass.
SB 180, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/16/2017

SB 39, introduced by T. Richmond

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/16/2017

SB 131, introduced by F. Thomas

House bills passed and transmitted to the Senate for concurrence: 2/16/2017

HB 86, introduced by K. Swanson
HB 349, introduced by P. Webb
HB 350, introduced by P. Webb

Senate amendments to House bills concurred in: 2/16/2017

HB 135, introduced by K. Dudik
HB 184, introduced by F. Garner

HB 172 - The House failed to concur in Senate amendments to **HB 172,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 172:** 2/16/2017

Representative Fitzgerald
Representative Pierson
Representative Rosendale

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 295, introduced by J. Fielder, E. Buttrey, S. Hinebauch, A. Olszewski, S. Sales, N. Swandal, C. Vincent, referred to Judiciary.
SB 296, introduced by E. Buttrey, referred to Highways and Transportation.
SB 297, introduced by J. Hinkle, D. Ankney, M. Blasdel, D. Brown, E. Buttrey, P. Connell, J. Fielder, F. Garner, T. Gauthier, S. Gunderson, B. Harris, A. Hertz, S. Hinebauch, D. Howard, L. Jones, D. Kary, B. Keenan, M. Lang, W. McKamey, F. Moore, M. Noland, A. Olszewski, R. Osmundson, K. Regier, T. Richmond, S. Sales, D. Salomon, R. Shaw, J. Small, C. Smith, F. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, G. Vuckovich, R. Webb, J. Welborn, D. Zolnikov, referred to State Administration.
SB 298, introduced by R. Osmundson, referred to Business, Labor, and Economic Affairs.
SB 299, introduced by T. Richmond, P. Connell, referred to Energy and Telecommunications.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 45, introduced by J. Fielder, referred to Fish and Game.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 15, introduced by D. Howard, D. Ankney, S. Berglee, M. Blasdel, B. Brown, D. Brown, E. Buttrey, P. Connell, A. Doane, R. Ehli, J. Essmann, J. Fielder, S. Fitzpatrick, W. Galt, F. Garner, T. Gauthier, C. Glimm, E. Greef, S. Gunderson, G. Hertz, S. Hinebauch, J. Hinkle, M. Hopkins, B. Hoven, L. Jones, D. Kary, A. Knudsen, C. Knudsen, M. Lang, S. Lavin, D. Lenz, F. Mandeville, W. McKamey, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, A. Redfield, K. Regier, T. Richmond, A. Rosendale, S. Sales, D. Salomon, D. Skees, J. Small, C. Smith, N. Swandal, R. Tempel, F. Thomas, B. Tschida, G. Vance, C. Vincent, S. Vinton, P. Webb, R. Webb, J. Welborn, D. Zolnikov, referred to Judiciary.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 14, introduced by R. Webb, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 86, introduced by K. Swanson (by request of the Secretary of State), referred to State Administration.
HB 349, introduced by P. Webb, referred to Judiciary.
HB 350, introduced by P. Webb, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 208 - Senator Caferro moved **SB 208** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 189 - Senator K. Regier moved **SB 189** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 10 - Senator Hoven moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 17 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 17**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 23 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 23**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 25 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 166 - Senator Buttrey moved **SB 166** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 169 - Senator Hoven moved **SB 169** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 1 - Senator McClafferty moved **HJ 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Brown, Fielder, Hinkle, Howard, Smith C, Vance, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 159 - Senator Blasdel moved **SB 159** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 72 - Senator Connell moved **SB 72** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 34

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Moore,

Olszewski, Osmundson, Regier, Smith C, Vance, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator K. Regier moved **SB 111** do pass. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Ankney.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 149 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 48 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 49 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 53 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 79 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 81 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 159 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 278 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 300 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 43

Nays: Caferro, Malek, Phillips, Sesso, Smith F, Vuckovich, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 294** be taken from the State Administration Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 172**. Without objection, so ordered. President Sales appointed:

Senator Buttrey, Chair
Senator D. Brown
Senator Facey

UNFINISHED BUSINESS

Senator Phillips moved that the following undersigned names be **ADDED** as sponsors to **SB 190**, in accordance with Senate rule S40-30. Without objection so ordered.

Senators Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Whitford, and Wolken, and Representatives Curtis, Dunwell, Ellis, Hayman, McConnell, Morigeau, Olsen, and Price.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:30 a.m., Saturday, February 18, 2017, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2017 — State Capitol

Senate convened at 8:30 a.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Blasdel, Keenan and Vincent, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/18/2017
Correctly printed: **SB 72**, **SB 111**, **SB 156**, **SB 159**, **SB 166**, **SB 169**, **SB 180**, **SB 189**, **SB 208**, **SB 212**, **SB 231**, **SB 295**, **SB 296**, **SB 297**, **SB 298**, **SB 299**, **SR 30**, **SR 45**, **SJ 14**, **SJ 15**, **HB 304**, **HJ 1**.
Correctly engrossed: **SB 190**, **SB 195**, **SB 216**, **HB 3**.
Transmitted to the House: **SB 149**, **HB 48**, **HB 49**, **HB 53**, **HB 79**, **HB 81**, **HB 159**, **HB 258**, **HB 278**, **HB 300**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/17/2017
SB 226, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.
Strike: "EXPANDING" on line 4 through "INCLUDE" on line 5
Insert: "REQUIRING COUNTY TRANSPORTATION REIMBURSEMENT FOR"

2. Title, page 1, line 5.
Strike: "SECTION"
Insert: "SECTIONS"

3. Title, page 1, line 6.
Following: "20-10-145"
Insert: " AND 20-10-146"

4. Page 1, line 18.
Following: "transportees"
Insert: ", as defined in 20-10-101,"

5. Page 1, line 18 through page 1, line 19.
Strike: "academic" on line 18 through "beyond" on line 19

6. Page 1, line 19 through line 20.

Strike: "when" on line 19 through "program" on line 20

7. Page 2, line 18.
Insert: "Section 2. Section 20-10-146, MCA, is amended to read:

"20-10-146. County transportation reimbursement. (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; ~~and~~

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321; and

(d) county transportation reimbursement must be provided for transportation in connection with the minimum aggregate hours of instruction and for academic instruction beyond 180 pupil-instruction days when conducted as part of a summer school program.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) countywide school transportation block grants distributed under 20-9-632;

(v) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vi) federal forest reserve funds allocated under the provisions of 17-3-213;

(vii) property tax reimbursements made pursuant to 15-1-123(7); and

(viii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on or before the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts

used to establish the levy requirements to the superintendent of public instruction on or before September 15. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments.""

Renumber: subsequent sections

And, as amended, do pass.

SB 227, do pass.

JUDICIARY (Regier, Chair): 2/17/2017

SB 92, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "CERTAIN"
Insert: "HOSPITALIZED"

2. Page 1, line 22.
Following: "decision"
Insert: "as determined by a health care provider experienced in this type of assessment"

3. Page 1, line 30.
Following: line 30
Insert: "(8) "Medical proxy decisionmaker" means a physician or advanced practice registered nurse designated by the attending health care provider."
Renumber: subsequent subsections

4. Page 2, line 4.
Following: "(10)(a)"
Strike: "Proxy"
Insert: "Lay proxy"
Following: "means"
Strike: "a"
Insert: "an interested"
Following: "[sections 1 through 8]"
Strike: "who will"
Insert: "authorized to"

5. Page 2, line 5.
Following: "decisions"
Insert: "and discharge and transfer dispositions"

6. Page 2, line 9.
Strike: "A court or an"
Insert: "An"

7. Page 2, line 11.
Following: "(2)"
Insert: "(a)"

8. Page 2, line 13.
Following: line 13
Insert: "(b) Health care providers must use evidence-based methodologies for determining decisionmaking capacity. The method used to determine decisionmaking capacity may be selected in collaboration with a medical ethics committee.

(c) Patients with chronic cognitive disabilities may require assessment by health care providers familiar with the patient's specific disability. Health care providers familiar with the patient's chronic cognitive disability should be retained to assess decisionmaking capacity.

(d) Patients for whom English is a second language must be assessed by a health care provider in the presence of an interpreter who is fluent in the patient's primary language."

9. Page 2, line 21.
Following: line 21
Insert: "(4) Guardianship proceedings may be initiated by the health care facility in the absence of family or interested parties at the same time that a proxy decisionmaker is selected to meet the patient's current decisional needs. If a guardian is appointed, the guardian may assume the proxy decisionmaker role."

10. Page 2, line 27.
Following: "of a "
Insert: "lay or medical"

11. Page 2, line 30.
Following: "that a"
Insert: "lay"

12. Page 3, line 5.
Following: "selecting a"
Insert: "lay"

13. Page 3, line 12.
Following: "**as**"
Insert: "medical"

14. Page 3, line 13.
Following: "physician"
Strike: ","

Insert: "or"

15. Page 3, line 14.
Following: "nurse"
Strike: ", or physician assistant"

16. Page 3, line 17.
Following: "any"
Strike: "interested persons"
Insert: "persons with authority to make medical decisions for the patient"

17. Page 3, line 17.
Following: "person"
Insert: "with authority to make medical decisions for the patient"
Following: "as"
Insert: "lay"

18. Page 3, line 19.
Strike: "obtained an independent determination of"
Insert: "determined, with the assistance of any relevant specialists or interpreters,"

19. Page 3, line 20.
Following: "capacity"
Strike: "by a" through "assistant"

20. Page 3, line 20.
Following: line 20
Insert: "(c) the attending health care provider's assessment of lack of decisional capacity has been confirmed by another health care provider;"
Renumber: subsequent subsections

21. Page 3, line 24.
Following: "physician"
Strike: ","
Insert: "or"
Following: "nurse"
Strike: ", or physician assistant"

22. Page 3, line 26.
Strike: "(1)(c)"
Insert: "(1)(d)"

23. Page 3, line 27.
Strike: "shall"
Insert: "may"

24. Page 3, line 28.
Following: "facility"
Insert: "or obtain consensus with the health care facility's chaplain"

25. Page 3, line 29.
Following: "physician"
Strike: ","
Insert: "or"
Following: "nurse"
Strike: ", or physician assistant"

26. Page 4, line 1.
Following: "as"
Insert: "a lay"

27. Page 4, line 1.
Following: line 1
Insert: "(b) a family member is willing to serve as a decisionmaker;"
Renumber: subsequent subsections

28. Page 4, line 8.
Following: "physician"
Strike: ","
Insert: "or"
Following: "nurse"
Strike: ", or physician assistant"

29. Page 4, line 13.
Following: "as a"
Insert: "medical"

30. Page 4, line 17.
Following: "of the"
Insert: "medical"

31. Page 4, line 18.
Following: "decisionmaker"
Strike: "and a" through "facility"

32. Page 4, line 21.
Following: "physician"
Strike: ","
Insert: "or"

33. Page 4, line 21 through line 22.

Following: "nurse" on line 21
Strike: ", or physician" through "assistant" on line 22

34. Page 4, line 22.
Following: "the"
Insert: "medical"
Following: ";"
Strike: "and"

35. Page 4, line 23.
Following: "committee"
Insert: ", if available; and (iii) a consensus with the health care facility's chaplain if a medical ethics committee is not available"

36. Page 4, line 25.
Following: "physician"
Strike: ","
Insert: "or"
Following: "nurse"
Strike: ", or physician assistant"
Following: "as a"
Insert: "medical"

37. Page 4, line 27 through line 29.
Following: "hydration" on line 27
Strike: "is" on line 27 through "functioning" on line 29
Insert: "cannot reasonably be expected to prolong life, would be excessively burdensome for the patient, or would cause the patient significant physical discomfort, such as from complications from the procedures used"

38. Page 5, line 3.
Following: line 3
Insert: "(4) When a lay or medical proxy decisionmaker has not been appointed and the attending health care provider determines that a patient requires end-of-life treatment that includes artificial nourishment and hydration, before a lay or medical proxy decisionmaker may be appointed the attending health care provider or health care facility must petition the court to have a temporary guardian appointed as provided in 72-5-317. If the petition to have a temporary guardian appointed is not timely or successful considering the exigencies of the situation, a lay or medical proxy decisionmaker may be appointed."

39. Page 5, line 6.
Following: "assist a"
Insert: "lay or medical"

40. Page 5, line 7.

Strike: "or an interested person"
Following: "if the"
Insert: "lay or medical"

41. Page 5, line 11.
Following: "authority of"
Insert: "lay or medical"

42. Page 5, line 12.
Following: "whom a"
Insert: "lay or medical"

43. Page 5, line 14.
Following: "or the"
Insert: "lay or medical"

44. Page 5, line 16.
Following: "patient, the"
Insert: "lay or medical"

45. Page 5, line 25.
Following: "physician"
Strike: ","
Insert: "or"
Following: "nurse"
Strike: ", or physician assistant"

46. Page 5, line 27.
Following: "as a"
Insert: "medical"

47. Page 5, line 28.
Following: "whom a "
Insert: "lay or medical"

And, as amended, do pass.

SB 99, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "FIREARMS"
Strike: "AND"
Insert: ","
Following: "MAGAZINES"
Insert: ", AND AMMUNITION"

2. Page 1, line 10.
Following: "Firearm"
Strike: "and"
Insert: ","
Following: "Magazine"
Insert: ", and Ammunition"

3. Page 1, line 23.
Strike: "(a)"

4. Page 1, line 25.
Following: "firearms"
Strike: "or"
Insert: ","
Following: "magazines"
Insert: ", or ammunition"

5. Page 1, line 26.
Following: "firearms"
Strike: "or"
Insert: ","
Following: "magazines"
Insert: ", or ammunition"

6. Page 1, line 27 through line 28.
Strike: subsection (b) in its entirety

7. Page 1, line 30 through page 2, line 3.
Following: "firearms" on line 30
Strike: "or"
Insert: ","
Following: "magazines" on line 30
Insert: ", or ammunition"
Strike: "Any" on page 1, line 30 through "45-6-301." on page 2, line 3

And, as amended, do pass.

SB 170, introduced bill, be amended as follows:

1. Page 1, line 15 through line 16.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

2. Page 1, line 18.
Following: ";"

Strike: "or"

3. Page 1, line 20.
Following: "feet"
Insert: "; or (c) the unmanned aerial vehicle is operated for government or commercial purposes in compliance with authorization granted by the federal aviation administration and:

(i) the unmanned aerial vehicle is flown within the boundaries of an easement and the owner or operator of the unmanned aerial vehicle is the owner of the dominant estate;

(ii) the unmanned aerial vehicle is flown to assist with professional land surveying, subject to the requirements of 70-16-111;

(iii) the unmanned aerial vehicle is being flown by an employee or contractor of:

(A) a utility as defined in 69-5-102 to assist with property damage or catastrophe damage assessment;

(B) a mineral rights owner or the owner's lessee of the mineral estate; or

(C) an insurance company in the conduct of insurance-related purposes, including but not limited to underwriting, claims investigation, claims adjustment, assessment of property damage, and survey of catastrophe damage; or

(iv) the unmanned aerial vehicle is being flown by law enforcement, subject to the limitations provided in 46-5-109"

4. Page 1, line 22.
Following: "$500"
Insert: "if the violation was above private property or not less than $2,500 if the violation was above a critical infrastructure facility"

And, as amended, do pass.

HB 247, be amended as follows:

1. Page 1, line 23.
Following: "ANY"
Insert: "sexual"

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/17/2017
SB 143, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "CIRCUMSTANCES;"
Insert: "LIMITING THE TYPES OF EMPLOYERS THAT MAY USE THE RETURN TO WORK PROVISIONS;"

2. Title, page 1, line 9.
Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 2, following line 4.
Insert: "(2) An employer may not employ a retired member under the provisions of this section unless the employer is a second-class or third-class district as provided in 20-6-201 and 20-6-301."
Renumber: subsequent subsections

4. Page 2, following line 18.
Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2021."

And, as amended, do pass.

SB 206, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "AND"

2. Title, page 1, line 5.
Following: "TIME"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 1, following line 18.
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective November 5, 2017, at 2:00 a.m."

And, as amended, do pass.

SR 27, be adopted.
SR 28, be adopted.
SR 37, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 17, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, February 17, 2017, I signed the following bills:

SB 10 - M. Blasdel
SB 41 - F. Moore
SB 53 - L. Jones
SB 68 - D. Barrett
SB 84 - S. Hinebauch

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 2/17/2017

HB 26, introduced by T. Welch
HB 41, introduced by J. Keane

House bills passed and transmitted to the Senate for concurrence: 2/17/2017

HB 62, introduced by R. Brodehl
HB 126, introduced by R. Shaw
HB 187, introduced by J. Hamilton
HB 257, introduced by E. Hill Smith
HB 355, introduced by R. Shaw
HB 377, introduced by A. Redfield

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 300, introduced by D. Sands, referred to Public Health, Welfare and Safety.
SB 301, introduced by D. Brown, referred to State Administration.
SB 302, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 303, introduced by E. Buttrey, referred to State Administration.
SB 304, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 305, introduced by S. Fitzpatrick, G. Custer, D. Salomon, R. Tempel, referred to State Administration.
SB 306, introduced by R. Webb, referred to Local Government.
SB 307, introduced by L. Jones, S. Berglee, E. Buttrey, R. Cook, J. Essmann, T. Facey, M. Funk, C. Glimm, B. Grubbs, S. Gunderson, B. Hamlett, D. Hayman, B. Hoven, D. Jones, J. Keane, E. McClafferty, F. Moore, J. Price, D. Salomon, S. Vinton, referred to Education and Cultural Resources.
SB 308, introduced by F. Moore, E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 46, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced and read first time:

SJ 16, introduced by M. Caferro, F. Smith, R. Tempel.

The following House bills were introduced, read first time, and referred to committees:

HB 62, introduced by R. Brodehl (by request of the Task Force on State Public Defender Operations), referred to Judiciary.
HB 126, introduced by R. Shaw (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 187, introduced by J. Hamilton, referred to Taxation.
HB 257, introduced by E. Hill Smith, referred to Public Health, Welfare and Safety.
HB 355, introduced by R. Shaw, J. Welborn, referred to Highways and Transportation.
HB 377, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Whitford in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 29 - Senator Hoven moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 29**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

HB 232 - Majority Leader Thomas moved consideration of **HB 232** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 248 - Senator Boland moved **HB 248** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Moore, Olszewski, Osmundson, Smith C, Thomas, Vance, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 183 - Senator Welborn moved **SB 183** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

HB 18 - **Free Conference Committee Report No. 1** - Senator Hoven moved the Free Conference Committee report for **HB 18** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 200 - Senator Buttrey moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

HB 24 - Senator Sands moved **HB 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 160 - Senator Caferro moved **SB 160** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 192 - Senator Swandal moved **SB 192** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 205 - Senator Olszewski moved **SB 205** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 152 - Senator Sesso moved **SB 152** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 158 - Senator MacDonald moved **SB 158** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinkle, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Brown, Gauthier, Hinebauch, Howard, Jones, Lang, Regier, Salomon, Smith C, Tempel, Vance, Webb, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 163 - Senator K. Regier moved **SB 163** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 137 - Senator Ankney moved **SB 137** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 79 - Senator Fitzpatrick moved **SB 79** do pass.

SB 79 - Senator Buttrey moved **SB 79**, second reading copy, be amended as follows:

1. Page 1, line 23.
Following: "district."
Insert: "The property proposed to be included in the district must be located in a residential subdivision, except that the owner of property located outside of a residential subdivision may consent to the inclusion of the property in the proposed district."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 79 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Olszewski, Regier.
Total 2

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SR 26 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 26**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Whitford moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Kary.
Total 1

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 72 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Moore, Olszewski, Osmundson, Regier, Smith C, Vance, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 111 passed as follows:

Yeas: Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Ankney.
Total 1

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 159 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Hinebauch, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 166 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 169 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 189 passed as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Whitford, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 208 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

HJ 1 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 39

Nays: Brown, Hinebauch, Hinkle, Howard, Smith C, Swandal, Vance, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

MOTIONS

Majority Leader Thomas moved that **SB 180** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 248**, heard on second reading this date, be re-referred to the Education and Cultural Resources Committee. Without objection, so ordered.

ANNOUNCEMENTS

Senator Buttrey thanked this week's Pages who performed a skit for the Senators.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 20, 2017, the thirty-seventh legislative day. Motion carried.

Senate adjourned at 9:56 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 20, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinebauch. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Caferro and Gauthier excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/20/2017

Correctly printed: **SB 137**, **SB 152**, **SB 158**, **SB 160**, **SB 163**, **SB 183**, **SB 192**, **SB 200**, **SB 205**, **SB 227**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 304**, **SB 305**, **SB 306**, **SB 307**, **SB 308**, **SR 27**, **SR 28**, **SR 37**, **SR 46**, **HB 24**.
Correctly engrossed: **SB 79**, **SB 92**, **SB 99**, **SB 143**, **SB 170**, **SB 206**, **SB 226**, **SB 247**.
Correctly enrolled: **SB 39**, **SR 10**, **SR 17**, **SR 23**, **SR 25**, **SR 26**, **SR 29**.
Transmitted to the House: **SB 72**, **SB 111**, **SB 159**, **SB 166**, **SB 169**, **SB 189**, **SB 208**, **HJ 1**.
Signed by the President at 10:00 a.m., February 20, 2017: **SB 32**, **SB 52**, **SR 8**, **SR 13**.
Signed by the Secretary of the Senate at 11:00 a.m., February 20, 2017: **SB 32**, **SB 52**, **SR 8**, **SR 13**.

Senator Caferro joined the Senate at this time.

Senator Blasdel introduced the Pages for the coming week:

Blair Stapleton from Billings, sponsored by Senator Keenan
Abe Stapleton from Billings, sponsored by Senator Keenan
Madison Tyson from Helena, sponsored by Senator Keenan
Amaya Frank from Bozeman, sponsored by Senator Kary
Matthew Glenn from Corvallis, sponsored by Senator Thomas

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/20/2017
SB 219, do pass.
SR 24, be adopted.

JUDICIARY (Regier, Chair): 2/20/2017
SB 98, do pass.

NATURAL RESOURCES (Vincent, Chair): 2/17/2017
SB 213, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/18/2017

SB 3, introduced by D. Kary
SB 16, introduced by L. Jones

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/18/2017

SB 25, introduced by M. Blasdel

House bills passed and transmitted to the Senate for concurrence: 2/18/2017

HB 22, introduced by J. Keane
HB 157, introduced by F. Mandeville
HB 228, introduced by J. Keane
HB 328, introduced by R. Ehli
HB 334, introduced by J. Knokey
HB 339, introduced by C. Glimm
HB 371, introduced by B. Bennett

Free Conference Committee Report No.1 adopted: 2/18/2017

HB 18, introduced by T. Jacobson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 309, introduced by L. Whitford, referred to Business, Labor, and Economic Affairs.
SB 310, introduced by L. Whitford, referred to Judiciary.
SB 311, introduced by E. Buttrey, referred to Highways and Transportation.
SB 312, introduced by J. Welborn, referred to Business, Labor, and Economic Affairs.
SB 313, introduced by J. Sesso, referred to Natural Resources.

The following Senate joint resolutions were introduced, read first time, and referred to committees::

SJ 17, introduced by D. Sands, D. Barrett, C. Boland, M. Caferro, J. Cohenour, T. Facey, J. Gross, M. MacDonald, S. Malek, E. McClafferty, M. McNally, M. Phillips, J. Pomnichowski, J. Sesso, F. Smith, G. Vuckovich, L. Whitford, C. Wolken, referred to Natural Resources.

SJ 18, introduced by M. Blasdel, referred to Energy and Telecommunications.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 16, introduced by M. Caferro, F. Smith, R. Tempel, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 232 - Senator Blasdel moved **HB 232** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 184 - Senator Moore moved **SB 184** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 171 - Senator C. Smith moved **SB 171** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 175 - Senator R. Webb moved **SB 175** do pass. Senator Webb disclosed he is a landlord affected by this bill. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 176 - Senator R. Webb moved **SB 176** do pass. Senator Webb disclosed he is a landlord affected by this bill. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 177 - Senator R. Webb moved **SB 177** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SJ 11 - Senator K. Regier moved **SJ 11** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 94 - Senator K. Regier moved **SB 94** do pass.

SB 94 - Senator Barrett moved **SB 94**, second reading copy, be amended as follows:

1. Page 2, line 21.
Strike: "OR MEMBER" through "FAMILY"

2. Page 2, line 24.
Strike: "[SECTIONS 1 THROUGH 10]"
Insert: "this section"

3. Page 3, line 3 through line 5.
Strike: subsection (8)(b) in its entirety
Renumber: subsequent subsections

4. Page 3, line 18.
Strike: "OR MEMBER" through "FAMILY"

5. Page 3, line 21.
Strike: "OR MEMBER" through "FAMILY"

6. Page 3, line 24.
Strike: "TO ANYONE" through "FAMILY"
Insert: "owner or on the death of the last property owner that received the exemption"

7. Page 3, line 29.
Strike: "OR"

8. Page 4, line 1.
Following: "INSTRUMENT"
Insert: "; or
(c) a transfer from one spouse to another spouse if both spouses were owners of the primary residence that received the exemption"

9. Page 4, line 3.
Strike: "OR MEMBER" through "FAMILY"

10. Page 4, line 7.
Strike: "OR MEMBER" through "FAMILY"

11. Page 4, line 14 through line 15.
Strike: "OR MEMBER" on page 4, line 14 through "FAMILY" on page 4, line 15

12. Page 4, line 27 through line 28.
Strike: "OR MEMBER" on page 4, line 27 through "FAMILY" on page 4, line 28
Insert: "that received the property tax exemption"

13. Page 4, line 29.
Strike: "OR MEMBER" through "FAMILY"

14. Page 5, line 3.
Following: "AFTER"
Insert: "the property owner's death or on"

15. Page 5, line 4 through line 5.
Strike: "PROPERTY THAT" on page 5, line 4 through "[SECTION 2]" on page 5, line 5
Insert: "the property owner in the property"

16. Page 5, line 8 through line 9.
Strike: "OR MEMBER" on page 5, line 8 through "FAMILY" on page 5, line 9

17. Page 5, line 12.
Strike: "OR MEMBER" through "FAMILY"

18. Page 5, line 13.
Following: "DESCRIPTION OF THE"
Insert: "property owner's"

19. Page 5, line 27.
Strike: "OR MEMBER" through "FAMILY"

20. Page 7, line 29.
Following: "AGREE"
Insert: "with the heirs or devisees of the property owner"

21. Page 8, line 21 through line 22.
Strike: "OR MEMBER" on page 8, line 21 through "FAMILY" on page 8, line 22

22. Page 8, line 27.
Strike: "AND ANY" through "FAMILY ARE"
Insert: "is"

23. Page 9, line 9.
Strike: "OR MEMBER" through "FAMILY"
Following: "OTHERWISE TO THE"

Insert: "property owner's"

Amendment **not** adopted as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vincent, Vuckovich, Whitford, Wolken.
Total 20

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 94 - Thereupon, the Senate reverted to the original motion of Senator K. Regier which passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 150 - Senator D. Brown moved **SB 150** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 39

Nays: Blasdel, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Howard, Osmundson, Pomnichowski, Swandal.
Total 10

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SJ 5 - Senator Phillips moved **SJ 5** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Hinkle, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Cohenour, MacDonald, Smith F.
Total 3

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 137 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 152 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.

Total 1

SB 158 passed as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Ankney, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Lang, Regier, Salomon, Smith C, Tempel, Vance, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 160 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 163 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 183 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 192 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.

Total 1

SB 200 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 205 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

HB 24 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

HB 18, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 314, introduced by C. Vincent, referred to Fish and Game.
SB 315, introduced by C. Vincent, referred to Natural Resources.

MOTIONS

Majority Leader Thomas moved that **SB 94**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Sands moved that **SB 217** be taken from the Business, Labor, and Economic Affairs Committee and placed on second reading tomorrow. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 21, 2017, the thirty-eighth legislative day. Motion carried.

Senate adjourned at 2:51 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 21, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/21/2017

Correctly printed: **SB 98**, **SB 150**, **SB 171**, **SB 175**, **SB 176**, **SB 177**, **SB 184**, **SB 198**, **SB 199**, **SB 213**, **SB 219**, **SB 224**, **SB 228**, **SB 233**, **SB 243**, **SB 251**, **SB 252**, **SB 291**, **SB 301**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 313**, **SB 314**, **SB 315**, **SB 321**, **SR 24**, **SR 34**, **SJ 5**, **SJ 11**, **SJ 16**, **SJ 17**, **SJ 18**, **HB 232**.

Correctly enrolled: **SB 3**, **SB 16**.

Correctly engrossed: **SB 104**, **SB 145**, **SB 151**, **SB 178**, **SB 197**, **SB 222**, **SB 234**, **SB 240**, **SB 248**, **SB 264**, **SR 7**.

Examined by the sponsor and found to be correct: **SB 3**, **SB 16**, **SB 39**, **SR 10**, **SR 17**, **SR 23**, **SR 25**, **SR 26**, **SR 29**.

Transmitted to the House: **SB 137**, **SB 152**, **SB 158**, **SB 160**, **SB 163**, **SB 183**, **SB 192**, **SB 200**, **SB 205**, **HB 24**.

Delivered to the Secretary of State at 8:45 a.m., February 21, 2017: **SR 8**, **SR 13**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/21/2017

SB 222, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "10 years from"
Strike: "the date of issuance."
Insert: ": (a) the date of issuance; or

(b) for contracts for which the annuitant voluntarily deposits a separate premium that was not required under the annuity contract, the date of each separate annuity premium deposit. Within 10 years after the separate deposit, the insurer may charge a surrender penalty for that deposit.

(2) An insurer must provide written notice to the annuitant of any surrender penalty imposed under the contract, including subsequent notices if the annuitant voluntarily contributes separate premium deposits under subsection (1)(b)."
Renumber: subsequent subsections

And, as amended, do pass.

SB 243, do pass.

SB 264, introduced bill, be amended as follows:

1. Page 1, line 21 through line 22.
Strike: "public health~~,~~" on line 21 through "and safety" on line 22
Insert: "the public health, safety, and welfare"

2. Page 2, line 20 through line 21.
Strike: "public health~~,~~" on line 20 through "and safety" on line 21
Insert: "the public health, safety, and welfare"

And, as amended, do pass.

SB 291, do pass.
SB 292, do pass.
SR 7, introduced resolution, be amended as follows:

1. Page 1, line 13 through line 17.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

2. Page 1, line 23 through page 2, line 24.
Strike: subsection (4) through subsection (11) in their entirety
Renumber: subsequent subsections

3. Page 3, line 1 through line 11.
Strike: subsection (13) through subsection (14) in their entirety
Renumber: subsequent subsections

And, as amended, be adopted.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/20/2017
SB 197, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "DEPARTMENT OF JUSTICE"
Insert: "OFFICE OF PUBLIC INSTRUCTION"

2. Title, page 1, line 5 through line 6.
Strike: "AND CHILD" on line 5 through "DATE" on line 6

3. Page 1, line 8 through line 10.
Strike: line 8 through line 10 in their entirety

4. Page 1, line 14.
Strike: "**and**" through "**trafficking**"

5. Page 1, line 15.
Strike: "department of justice"
Insert: "office of public instruction"
Following: "about"
Insert: "and prevent"

6. Page 1, line 15 through line 16.
Strike: "and" on line 15 through "trafficking" on line 16

7. Page 1, line 17 through line 18.
Strike: "and" on line 17 through "Montana" on line 18

8. Page 1, line 19.
Strike: the first "educational" through "to"
Insert: "access to educational resources for"

9. Page 1, line 20 through line 21.
Strike: "and child sex trafficking"

10. Page 1, line 21.
Strike: "and child sex trafficking"

11. Page 1, line 24 through line 25.
Strike: "gathering" on line 24 through "available;" on line 25
Insert: "supporting school districts in developing:
(a) policies on child sexual abuse awareness, prevention, response, and reporting; and
(b) educational materials and curricula aimed at preventing child sexual abuse; and"

12. Page 1, line 26.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

13. Page 1, line 28.
Strike: "and human trafficking"

14. Page 2, line 1.
Strike:"Title 44, chapter 4, part 15" in both places
Insert: "Title 20, chapter 7, part 13" in both places

15. Page 2, line 3.
Strike: section 3 in its entirety

And, as amended, do pass.

SB 234, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "BOARD OF PUBLIC EDUCATION"
Insert: "OFFICE OF PUBLIC INSTRUCTION"

2. Title, page 1, line 6.
Strike: "20-4-102"
Insert: "20-4-103"

3. Page 1, line 10 through line 27.
Strike: section 1 in its entirety
Insert: "Section 1. Section 20-4-103, MCA, is amended to read:

"20-4-103. Issuance of teacher or specialist certificates. (1) The superintendent of public instruction shall issue all teacher and specialist certificates in the state of Montana. In issuing teacher or specialist certificates, the superintendent of public instruction shall comply with the provisions of this title and the teacher and specialist certification policies adopted by the board of public education. The superintendent of public instruction shall not issue a teacher or specialist certificate to any person who does not satisfy the qualifications or other requirements of this title and of the board of public education policies for teacher or specialist certification.

(2) The superintendent shall establish procedures to expedite the issuance of a teacher, specialist, supervisor, or administrative certificate to a person:

(a) who holds or has held a similar certificate or license in another state; and

(b) whose spouse is the subject of a military transfer to Montana."""

And, as amended, do pass.

SB 307, do pass.
SR 34, be adopted.

LOCAL GOVERNMENT (Webb, Chair): 2/20/2017
SB 151, introduced bill, be amended as follows:

1. Title, line 5 through line 7.
Following: "GOVERNMENT COMMITTEE" on line 5
Insert: "AND AN EDUCATION COMMITTEE"
Following: "OF THE"
Strike: "COMMITTEE"
Insert: "COMMITTEES"
Strike: "ELIMINATING" on line 5 through "COMMITTEE;" on line 7
Insert: "PROVIDING FOR MEMBERSHIP OF THE LOCAL GOVERNMENT COMMITTEE;"

2. Title, line 8.
Following: "5-5-202"

Insert: ", 5-5-211,"
Strike: "REPEALING SECTION 5-5-229, MCA;"

3. Page 2, line 17.
Following: "council,"
Strike: "and"
Following: "~~relations~~"
Insert: "state-tribal relations committee, and"

4. Page 2, line 21.
Strike: "and"
Strike: "state-tribal relations"

5. Page 3.
Following: line 8
Insert: "Section 3. Section 5-5-211, MCA, is amended to read:

"5-5-211. Appointment and composition of interim committees. (1) Senate interim committee members must be appointed by the committee on committees.

(2) House interim committee members must be appointed by the speaker of the house.

(3) Appointments to interim committees must be made by the time of adjournment of the legislative session.

(4) A legislator may not serve on more than two interim committees unless no other legislator is available or is willing to serve.

(5) (a) Subject to 5-5-234 and ~~subsection~~ subsections (5)(b) and (5)(c) of this section, the composition of each interim committee must be as follows:

(i) four members of the house, two from the majority party and two from the minority party; and

(ii) four members of the senate, two from the majority party and two from the minority party.

(b) If the committee workload requires, the legislative council may request the appointing authority to appoint one or two additional interim committee members from the majority party and the minority party.

(c) For fiscal years 2018 and 2019, the legislative council may request the appointment to the local government committee of no fewer than four members and up to eight members, with membership from the house and senate and majority and minority parties in equal numbers.

(6) The membership of the interim committees must be provided for by legislative rules. The rules must identify the committees from which members are selected, and the appointing authority shall attempt to select not less than 50% of the members from the standing committees that consider issues within the jurisdiction of the interim committee and at least one member from the joint subcommittee that considers the related agency budgets. In making the appointments, the appointing authority shall take into account term limits of members so that committee members will be available to follow through on committee activities and recommendations in the next legislative session.

(7) An interim committee or the environmental quality council may create subcommittees. Nonlegislative members may serve on a subcommittee. Unless the person is a full-time salaried officer or employee of the state or a political subdivision of the state, a nonlegislative member

appointed to a subcommittee is entitled to salary and expenses to the same extent as a legislative member. If the appointee is a full-time salaried officer or employee of the state or of a political subdivision of the state, the appointee is entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503.""
Renumber: subsequent sections

6. Page 3, line 11.
Strike: "**and**"
Strike: "**state-tribal relations**"

7. Page 3, line 12 through line 14.
Following: "education" on line 12
Strike: "and" on line 12 through "relations" on line 14

8. Page 5, line 1 through line 3.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 224, do pass.
SB 248, introduced bill, be amended as follows:

1. Page 2, line 16.
Following: "76-3-207(1)(b)."
Insert: "Under this subsection (3)(a)(v), only one well or developed spring may be located on a parcel created by a family transfer division of land provided for in 76-3-207(1)(b)."

And, as amended, do pass.

SB 251, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/20/2017
SB 104, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "37-3-101,"

2. Page 3, line 16 through line 28.
Strike: section 4 in its entirety
Renumber: subsequent sections

3. Page 16, line 26.
Following: "to"
Insert: ": (a) license competent emergency care providers to provide prehospital care and other

services as part of an emergency care system; and
(b)"

4. Page 18, line 8.
Following: "services"
Insert: "and prehospital care"

And, as amended, do pass.

SB 145, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "FACILITY;"
Insert: "REQUIRING A PUBLIC DEFENDER FOR INDIVIDUALS UNABLE TO AFFORD COUNSEL;"

2. Title, page 1, line 16.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "46-14-312"
Insert: "AND 47-1-104"

3. Page 3, line 15.
Following: "needs;"
Insert: "and"

4. Page 3, line 16 through line 17.
Following: "furnish legal counsel," on line 16
Strike: "make legal counsel" on line 16 through "board" on line 17
Insert: "request the sentencing court to appoint a public defender as provided in Title 47"

5. Page 3, line 18 through line 22.
Strike: subsection (e) through subsection (f) in their entirety

6. Page 3, line 29.
Following: "hearing."
Insert: "The provisions of this subsection do not prevent the department from calling its own employees as witnesses."

7. Page 4, line 24.
Strike: "a"
Insert: "the"

8. Page 4, line 27 through line 29.
Following: "needs,"

Strike: "the department" on line 27 through "determination" on line 29
Insert: "the professional person shall notify the director of the department of public health and human services. The director shall review the reasons for the recommendation by the professional person and determine within 20 days whether a transfer is warranted"

9. Page 5, line 19.
Strike: "the state hospital"
Insert: "a mental health, residential, or developmental disabilities facility"

10. Page 5, line 23.
Following: line 22
Insert: "Section 4. Section 47-1-104, MCA, is amended to read:

"47-1-104. Statewide system -- structure and scope of services -- assignment of counsel at public expense. (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the commission and administered by the office.

(2) The commission shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The commission may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the office or the office of appellate defender to assign counsel, the appropriate office shall immediately assign a public defender qualified to provide the required services. The commission shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order an office to assign counsel under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

(iii) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant to 41-3-422 and as required under the federal Indian Child Welfare Act, as provided in 41-3-425;

(iv) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

(v) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

(vi) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

(vii) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(viii) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116;

(ix) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; ~~and~~

(x) for a witness in a criminal grand jury proceeding, as provided in 46-4-304~~.~~; and

(xi) for a person entitled to a transfer hearing as provided in [section 2];

(b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:

(i) as provided for in 41-3-425;

(ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;

(iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;

(iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;

(v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;

(vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;

(viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322; and

(c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).

(5) (a) Except as provided in subsection (5)(b), a public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.

(b) A private attorney who is contracted with under the provisions of 47-1-216 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest.""

Renumber: subsequent sections

And, as amended, do pass.

SB 198, do pass.
SB 199, do pass.
SB 228, do pass.
SB 233, do pass.
SB 271, do pass.
SB 283, do pass.
SB 300, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/20/2017
SB 178, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "LOCAL"
Insert: "COUNTY"

2. Page 1, line 15.
Following: "(a)"
Strike: "The"
Insert: "Except as provided in subsection (2)(b), the"

3. Page 1, line 16.
Following: "~~:~~"
Insert: ":"

4. Page 1, line 20.
Strike: "less" through "an"
Insert: "(i) the number of candidates for an office exceeds three times the number to be elected to that office in no more than one-half of the offices on the ballot; and
(ii) the number of candidates in excess of three times the number to be elected is not more than one for any"

5. Page 1, following line 20.
Insert: "(b) The election administrator may determine that a primary election for a nonpartisan county office need not be held if fewer than three candidates have filed for that office."
Renumber: subsequent subsections

6. Page 1, line 22.
Following: "(2)(a)"
Insert: "or (2)(b)"

7. Page 1, line 23.
Strike: "local"
Following: "~~have~~"
Strike: "for which more than two candidates have filed"
Insert: "that have a sufficient number of candidates that have filed to be elected to that office"

8. Page 1, line 26.
Strike: "or"
Insert: ","
Following: "(2)(b)"
Insert: ", or (2)(c)"
Following: "for a"
Strike: "local"

9. Page 1, line 28.
Strike: "local"

10. Page 2, line 8.
Following: "local"
Insert: "or county"

And, as amended, do pass.

SB 240, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: line 17
Insert: "or is covered through a life insurance policy as defined in 33-1-208,"

2. Page 1, line 20.
Following: "plan"
Insert: "or life insurance policy"

3. Page 2, line 20.
Strike: "[Section 1], in whole or in part,"
Insert: "[Section 1(2)(c)]"

And, as amended, do pass.

SB 301, do pass.

TAXATION (Blasdel, Chair): 2/21/2017
SB 252, do pass.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 146**
Report No. 001, February 20, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 146** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 146** (reference copy -- salmon) be amended as follows:

1. Page 1, following line 21.
Following: "~~may be required.~~"

Insert: "(2) During a temporary roadblock, verification of a valid driver's license, vehicle registration, and insurance may be required."
Renumber: subsequent subsections

For the Senate:
Vance, Chair
Buttrey
Whitford

For the House:
Zolnikov, Vice Chair
Doane
Swanson

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in on third reading and returned to the Senate: 2/18/2017

SB 19, introduced by D. Kary

House bills passed and transmitted to the Senate for concurrence: 2/20/2017

HB 77, introduced by R. Brodehl
HB 110, introduced by B. Hamlett
HB 198, introduced by K. Wagoner
HB 205, introduced by A. Redfield
HB 374, introduced by K. White
HB 396, introduced by B. Grubbs
HB 429, introduced by M. Cuffe

HB 323, introduced by G. Pierson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 2/20/2017
Yeas - 95
Nays - 3

HB 333, introduced by F. Garner, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 2/20/2017
Yeas - 98
Nays - 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 316, introduced by S. Fitzpatrick, T. Gauthier, referred to Business, Labor, and Economic Affairs.
SB 317, introduced by D. Salomon, referred to Taxation.

SB 318, introduced by C. Boland, referred to Business, Labor, and Economic Affairs.
SB 319, introduced by J. Gross, W. Curdy, J. Fleming, G. Kipp, K. McCarthy, S. Morigeau, D. Salomon, J. Small, B. Smith, F. Smith, S. Stewart-Peregoy, S. Webber, L. Whitford, J. Windy Boy referred to Public Health, Welfare and Safety.
SB 320, introduced by D. Sands, referred to Public Health, Welfare and Safety.
SB 321, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 19, introduced by M. Phillips, referred to Public Health, Welfare and Safety.

The following Senate bill, previously introduced, was referred to committee:

SB 220, introduced by S. Sales, referred to Finance and Claims.

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by J. Keane (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 77, introduced by R. Brodehl (by request of the Task Force on State Public Defender Operations), referred to Judiciary.
HB 110, introduced by B. Hamlett (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 157, introduced by F. Mandeville, referred to Agriculture, Livestock and Irrigation.
HB 198, introduced by K. Wagoner, referred to Business, Labor, and Economic Affairs.
HB 205, introduced by A. Redfield, referred to Highways and Transportation.
HB 228, introduced by J. Keane, referred to Natural Resources.
HB 323, introduced by G. Pierson, J. Bachmeier, B. Beard, B. Bennett, M. Blasdel, E. Buttrey, M. Caferro, R. Cook, A. Curtis, K. Dudik, J. Essmann, J. Fleming, M. Funk, B. Grubbs, T. Jacobson, J. Karjala, C. Knudsen, M. Lang, A. Olszewski, R. Peppers, Z. Perry, A. Redfield, V. Ricci, D. Salomon, R. Shaw, S. Stewart-Peregoy, F. Thomas, referred to Public Health, Welfare and Safety.
HB 328, introduced by R. Ehli, referred to Public Health, Welfare and Safety.
HB 333, introduced by F. Garner, J. Hamilton, J. Karjala, A. Olszewski, referred to Public Health, Welfare and Safety.
HB 334, introduced by J. Knokey, F. Anderson, D. Ankney, N. Ballance, D. Bartel, B. Beard, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, D. Brown, T. Burnett, E. Buttrey, M. Caferro, P. Connell, R. Cook, G. Custer, A. Doane, R. Ehli, J. Essmann, J. Fielder, R. Fitzgerald, S. Fitzpatrick, K. Flynn, W. Galt, F. Garner, T. Gauthier, C. Glimm, E. Greef, B. Grubbs, S. Gunderson, B. Hamlett, B. Harris, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, M. Hopkins, B. Hoven, T. Jacobson, D. Jones, L. Jones, D. Kary, B. Keenan, A. Knudsen, C. Knudsen, M. Lang, S. Lavin, D. Lenz, D. Loge, R. Lynch, F. Mandeville, T. Manzella, W. McKamey, D. Mortensen, J. O'Hara, A. Olszewski, R. Osmundson, J. Patelis, A. Redfield, K. Regier, M. Regier, V. Ricci, T. Richmond, A. Rosendale, M. Ryan, S. Sales, W. Sales, D. Salomon, R. Shaw, D. Skees, J. Small, C. Smith, N. Swandal, R. Tempel, F. Thomas, J. Trebas, B. Tschida, B. Usher, G. Vance, C. Vincent, S. Vinton, K. Wagoner, P. Webb, R. Webb, J. Welborn, T. Welch, K. White, J. Windy Boy, D.

Zolnikov, referred to Public Health, Welfare and Safety.
HB 339, introduced by C. Glimm, B. Hamlett, referred to Natural Resources.
HB 371, introduced by B. Bennett, J. Fleming, D. Hayman, S. Morigeau, referred to State Administration.
HB 374, introduced by K. White, referred to Highways and Transportation.
HB 396, introduced by B. Grubbs, referred to Taxation.
HB 429, introduced by M. Cuffe, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 155 - Senator Lang moved **SB 155** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 92 - Senator Olszewski moved **SB 92** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinkle, McClafferty.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 99 - Senator C. Smith moved **SB 99** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 131 - **House Amendments** - Senator Thomas moved House amendments to **SB 131** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webb, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 143 - Senator Lang moved **SB 143** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 182 - Senator Lang moved **SB 182** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 206 - Senator Osmundson moved **SB 206** do pass. Motion carried as follows:

Yeas: Ankney, Boland, Brown, Caferro, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 34

Nays: Barrett, Blasdel, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gross, Jones, MacDonald, McNally, Moore, Pomnichowski, Regier, Sesso, Welborn.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 - Senator Cohenour moved **SB 212** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Moore, Olszewski, Salomon, Smith C, Thomas, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 216 - Senator Thomas moved **SB 216** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 - Senator Cohenour moved **SB 226** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Olszewski, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 227 - Senator Cohenour moved **SB 227** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Brown, Hinebauch, Jones, Keenan, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 231 - Senator R. Webb moved **SB 231** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.
Total 37

Nays: Brown, Cohenour, Hinkle, Keenan, Malek, McClafferty, Pomnichowski, Sands, Sesso,

Smith C, Vincent, Whitford, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 79 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 150 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Hoven, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Whitford, Wolken.
Total 33

Nays: Blasdel, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Lang, Osmundson, Pomnichowski, Smith C, Smith F, Swandal, Vincent, Webb, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 171 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 175 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 176 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Welborn, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 177 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 184 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 5 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Lang, Moore, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 11 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 232 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 145**, **SB 197**, **SB 233**, **SB 240**, and **SB 271** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 156** be taken from the second reading board and re-referred to the Taxation Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate suspend Joint Rule 40-40 as permitted in Joint Rule 60-10 to allow a change of primary sponsor on **SB 316** from Senator Fitzpatrick to Senator Gauthier. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 323, introduced by M. Caferro, referred to Public Health, Welfare and Safety.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 22, 2017, the thirty-ninth legislative day. Motion carried.

Senate adjourned at 2:35 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 22, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/22/2017

Correctly printed: **SB 92**, **SB 99**, **SB 143**, **SB 155**, **SB 182**, **SB 206**, **SB 207**, **SB 212**, **SB 216**, **SB 220**, **SB 226**, **SB 227**, **SB 231**, **SB 250**, **SB 258**, **SB 271**, **SB 275**, **SB 283**, **SB 286**, **SB 287**, **SB 292**, **SB 300**, **SB 302**, **SB 307**, **SB 310**, **SB 312**, **SB 316**, **SB 317**, **SB 318**, **SB 319**, **SB 320**, **SB 322**, **SB 323**, **SB 324**, **SB 325**, **SB 326**, **SJ 15**, **SJ 19**.

Correctly engrossed: **SB 44**, **SB 115**, **SB 164**, **SB 203**, **SB 214**, **SB 218**, **SB 249**, **SB 261**, **SB 282**, **SB 293**, **SB 294**, **SJ 18**.

Transmitted to the House: **SB 79**, **SB 150**, **SB 171**, **SB 175**, **SB 176**, **SB 177**, **SB 184**, **SJ 5**, **SJ 11**, **HB 232**.

Signed by the President at 7:45 a.m., February 22, 2017**: SB 3**, **SB 16**, **SB 39**, **SR 10**, **SR 17**, **SR 23**, **SR 25**, **SR 26**, **SR 29**.

Signed by the Secretary of the Senate at 8:00 a.m., February 22, 2017: **SB 3**, **SB 16**, **SB 39**, **SR 10**, **SR 17**, **SR 23**, **SR 25**, **SR 26**, **SR 29**.

Signed by the Speaker at 10:10 a.m., February 22, 2017: **SB 52**.

Signed by the Speaker at 4:05 p.m., February 22, 2017: **SB 3**, **SB 16**, **SB 39**.

Delivered to the Governor at 11:04 a.m., February 22, 2017**: SB 52**.

Delivered to the Governor at 4:35 p.m., February 22, 2017: **SB 3**, **SB 16**, **SB 39**.

Delivered to the Secretary of State at 11:36 a.m., February 22, 2017: **SR 10**, **SR 17**, **SR 23**, **SR 25**, **SR 26**, **SR 29**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/21/2017

SB 294, introduced bill, be amended as follows:

1. Page 2, line 16 through line 17.
Strike: subsection (12) in its entirety
Renumber: subsequent subsections

2. Page 5, line 12.
Strike: "ensure"
Insert: "monitor the way"

And, as amended, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/22/2017
SB 275, do pass.
SB 302, do pass.
SB 312, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/21/2017
SB 164, introduced bill, be amended as follows:

1. Page 2, line 3 through line 8.
Strike: subsection (7) in its entirety
Insert: "(7)(a) The governor shall appoint members with experience or education in one or more of the following matters:
(i) economic, legal, social, and political aspects of energy production and distribution;
(ii) fish and wildlife management; or
(iii) the use, distribution, and protection of watersheds located in the Pacific Northwest.
(b) The governor shall consider potential members with an understanding of and familiarity with the impacts of members' actions on the electricity rates of Montana utilities and residents receiving their power supply from the Bonneville power administration."

2. Page 2, line 9.
Strike: "reside" through "a"
Insert: "be a customer in a county served by a Montana"

3. Page 2, line 15.
Following: "law"
Insert: ", including engaging with utilities receiving their power supply from the Bonneville power administration to promote an adequate, economical, and reliable power supply"

4. Page 2, line 16.
Strike: "or" through "governor"
Insert: "basis"
Following: ":"
Insert: "and"

5. Page 2, line 17 through line 18.
Strike: subsection (3) in its entirety
Renumber: subsequent subsection

And, as amended, do pass.

SJ 18, introduced joint resolution, be amended as follows:

1. Page 3, line 8.

Following: "Governor"
Insert: "of Montana, the Governors of North Dakota, South Dakota, Wyoming, and Idaho"

2. Page 3, line 9.
Following: "Commission,"
Insert: "the Montana Rural Electric Cooperatives' Association, the Bonneville Power Administration, the Pacific NorthWest Economic Region, NorthWestern Energy, Montana-Dakota Utilities Co.,"

And, as amended, do pass.

FINANCE AND CLAIMS (Jones, Chair): 2/21/2017
SB 44, introduced bill, be amended as follows:

1. Page 2, line 24.
Following: "33-18-232(1)"
Insert: ", unless the provisions of subsection (4)(b)(iv) or [section 4(5)] apply. These provisions are a reasonable reason to not pay the claim in full as provided in 33-18-232"

2. Page 2, line 30.
Strike: "or"

3. Page 3, line 2.
Following: "performed"
Insert: "; or
(iv) a timeframe related to whether the payment as compared to the applicable medicare rate of payment for the services that are the subject of the claim is:
(A) 250% or less of the applicable medicare rate, in which case the timeframe is as provided in 33-18-232;
(B) more than 250% but less than 400% of the applicable medicare rate, in which case the payment timeframe is 2 years; or
(C) 400% or more of the applicable medicare rate, in which case the payment timeframe is 5 years"

4. Page 3, line 8.
Following: "jurisdiction"
Insert: ", but the timely payment provisions of 33-18-232 and 33-22-150 are waived as provided in [section 4]"

5. Page 3, line 9.
Following: "this section"
Strike: ","
Insert: ": (a)"

6. Page 3, line 13.

Strike: "(a)"
Insert: "(i)"

7. Page 3, line 15.
Strike: "(b)"
Insert: "(ii)"

8. Page 3, line 16.
Strike: "(c)"
Insert: "(iii)"

9. Page 3, line 16.
Insert: "; and
(b) "insurer" means a health insurance issuer as defined in 33-22-140 and includes issuers of health insurance under Titles 2 and 20"

10. Page 4, line 4.
Following: "**resolution**"
Insert: "**-- incentives**"

11. Page 4.
Following: line 13
Insert: "(5) (a) The following payment incentives apply to participants in an independent dispute resolution and include exemptions to the time periods for payment of claims in 33-18-232 and 33-22-150:
(i) an air ambulance service that bills between 250% and 400% of the applicable medicare rate of payment for the services that are the subject of the claim may require final payment within 2 years of completing an independent dispute resolution; or
(ii) an insurer or health plan with an air ambulance service claim that is 400% or more of the applicable medicare rate of payment for the services that are the subject of the claim may extend payment over 5 years unless the air ambulance service agrees to independent dispute resolution under [section 5] and this section and agrees to a percentage of the applicable medicare rate of payments that is less than 400%.
(b) Claims subject to extended term payments under this section may not be included as distribution priorities under 33-2-1371 in case of an insurer's liquidation."
Renumber: subsequent subsection

12. Page 9.
Following: line 30
Insert: "NEW SECTION. **Section 11. Plan options.** The advisory council shall provide recommendations to the department for supplemental offerings from which employees may select and for which employees pay out of pocket or from a flexible spending account. These supplemental offerings may include but are not limited to dental insurance, vision insurance, and air ambulance memberships."
Renumber: subsequent sections

13. Page 10.
Following: line 8
Insert: "(4) [Section 11] is intended to be codified as an integral part of Title 2, chapter 18, part 8, and the provisions of Title 2, chapter 18, part 8, apply to [section 11]."
Renumber: subsequent subsections

And, as amended, do pass.

SB 115, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "SECTION"
Insert: "SECTIONS 19-20-101 and"
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 11.
Insert: "Section 1. Section 19-20-101, MCA, is amended to read:

"19-20-101. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accumulated contributions" means the sum of all the amounts deducted from the compensation of a member or paid by a member and credited to the member's individual account in the annuity savings account, together with interest. Regular interest must be computed and allowed to provide a benefit at the time of retirement.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the mortality table and interest rate assumption set by the retirement board.

(3) "Average final compensation" means a member's highest average earned compensation, determined pursuant to 19-20-805, on which all required contributions have been made.

(4) "Beneficiary" means one or more persons formally designated by a member or retiree to receive a retirement allowance or payment upon the death of the member or retiree, except for a joint annuitant.

(5) "Benefit recipient" means a retired member, a joint annuitant, or a beneficiary who is receiving a retirement allowance.

(6) "Creditable service" is that service defined by 19-20-401.

(7) "Date of termination" or "termination date" means the last date on which a member performed service in a position reportable to the retirement system.

(8) (a) "Earned compensation" means, except as limited by subsections (8)(b) and (8)(c) or by 19-20-715, remuneration paid for the service of a member out of funds controlled by an employer before any pretax deductions allowed under the Internal Revenue Code are deducted.

(b) Earned compensation does not include:

(i) direct employer premium payments on behalf of members for medical, pharmaceutical, disability, life, vision, dental, or any other insurance;

(ii) any direct employer payment or reimbursement for:

(A) professional membership dues;

(B) maintenance;
(C) housing;
(D) day care;
(E) automobile, travel, lodging, or entertaining expenses; or
(F) any similar form of maintenance, allowance, or expenses;
(iii) the imputed value of health, life, or disability insurance or any other fringe benefits;
(iv) any noncash benefit provided by an employer to or on behalf of a member;
(v) termination pay unless included pursuant to 19-20-716;
(vi) compensation paid to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code, 26 U.S.C. 457(f);
(vii) payment for sick, annual, or other types of leave paid to a member prior to termination from employment or accrued in excess of that normally allowed;
(viii) incentive or bonus payments paid to a member that are not part of a series of annual payments; ~~or~~
(ix) a professional stipend paid pursuant to 20-4-134; or
~~(ix)~~(x) any similar payment or reimbursement made to or on behalf of a member by an employer.
(c) Adding a direct employer-paid or noncash benefit to an employee's contract or subtracting the same or a similar amount as a pretax deduction is considered a fringe benefit and not earned compensation.
(9) "Employer" means:
(a) the state of Montana;
(b) a public school district, as provided in 20-6-101 and 20-6-701;
(c) the office of public instruction;
(d) the board of public education;
(e) an education cooperative;
(f) the Montana school for the deaf and blind, as described in 20-8-101;
(g) the Montana youth challenge program, as defined in 10-1-101;
(h) a state youth correctional facility, as defined in 41-5-103;
(i) the Montana university system;
(j) a community college; or
(k) any other agency, political subdivision, or instrumentality of the state that employs a person who is designated a member of the retirement system pursuant to 19-20-302.
(10) "Full-time service" means service that is:
(a) at least 180 days in a fiscal year;
(b) at least 140 hours a month during at least 9 months in a fiscal year; or
(c) at least 1,080 hours in a fiscal year under an alternative school calendar adopted by a school board and reported to the office of public instruction as required by 20-1-302. The standard for full-time service for a school district operating under an alternative school calendar must be applied uniformly to all employees of the school district required to be reported to the retirement system.
(11) "Internal Revenue Code" has the meaning provided in 15-30-2101.
(12) "Joint annuitant" means the one person that a retired member who has elected an optional allowance under 19-20-702 has designated to receive a retirement allowance upon the death of the retired member.
(13) "Member" means a person who has an individual account in the annuity savings

account. Unless otherwise specified, "member" refers to a tier one member or a tier two member. An active member is a person included under the provisions of 19-20-302. An inactive member is a person included under the provisions of 19-20-303.

(14) "Normal form" or "normal form benefit" means a monthly retirement benefit payable during the lifetime of the retired member.

(15) "Normal retirement age" means an age no earlier than 60 years of age.

(16) "Part-time service" means service that is not full-time service. Part-time service must be credited in the proportion that the actual time worked compares to full-time service.

(17) "Position reportable to the retirement system" means a position in which an individual performs duties that would entitle the person to active membership in the retirement system under the provisions of 19-20-302.

(18) "Regular interest" means interest at a rate set by the retirement board in accordance with 19-20-501(2).

(19) "Retired", "retired member", or "retiree" means a person who is considered in retired member status under the provisions of 19-20-810.

(20) "Retirement allowance" or "retirement benefit" means a monthly payment due to a retired member who has qualified for service or disability retirement or due to a joint annuitant or beneficiary.

(21) "Retirement board" or "board" means the retirement system's governing board provided for in 2-15-1010.

(22) "Retirement system", "system", or "plan" means the teachers' retirement system of the state of Montana provided for in 19-20-102.

(23) "Service" means the performance of duties that would entitle the person to active membership in the retirement system under the provisions of 19-20-302.

(24) "Termination" or "terminate" means that the employment relationship between the member and the member's employer has been terminated as required in 19-20-810.

(25) (a) "Termination pay" means any form of bona fide vacation leave, sick leave, severance pay, amounts provided under a window or early retirement incentive plan, or other payments contingent on the employee terminating employment.

(b) Termination pay does not include:

(i) amounts that are not wages under section 3121 of the Internal Revenue Code, determined without regard to the wage base limitation; and

(ii) amounts that are payable to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code, 26 U.S.C. 457(f).

(26) "Tier one member" means a person who became a member before July 1, 2013, and who has not withdrawn the member's account balance.

(27) "Tier two member" means a person who became a member on or after July 1, 2013, or who, after withdrawing the member's account balance, became a member again after July 1, 2013.

(28) "Vested" means that a member has been credited with at least 5 full years of membership service upon which contributions have been made and has a right to a future retirement benefit.

(29) "Written application" or "written election" means a written instrument, required by statute or the rules of the board, properly signed and filed with the board, that contains all the required information, including documentation that the board considers necessary.""

Renumber: subsequent sections

3. Page 1, line 13.
Strike: "$3,000"
Insert: "up to $1,500"

4. Page 1, line 24.
Strike: "$3,000"
Following: "stipend"
Insert: "of up to $2,500"
Strike: "in addition to the annual stipend provided for in subsection (1)"

5. Page 1, line 30.
Following: "subsection (1)"
Strike: "and, if applicable, the additional"

6. Page 2, line 1.
Strike: "stipend in subsection (2)"

7. Page 2, line 5.
Following: "funding"
Insert: "a portion of"

8. Page 2, line 6.
Strike: "stipends"
Insert: "its matching portion of a stipend"

9. Page 2.
Following: line 12
Insert: "(6) (a) For a stipend under subsection (1), the state shall pay $500 and another $1 for each $1 contributed by the teacher's school district, up to a maximum state contribution of $1,000.

(b) For a stipend under subsection (2), the state shall pay $1,000 and another $2 for each $1 contributed by the teacher's school district, up to a maximum state contribution of $2,000."

10. Page 2, line 15.
Insert: "NEW SECTION. **Section 4. Applicability.** [This act] applies to teachers who obtain certification or recertification from the national board for professional teaching standards on or after July 1, 2017."

And, as amended, do pass.

SB 261, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "STABILIZATION RESERVE"
Insert: "FUND"

2. Page 1, line 16.
Insert: "NEW SECTION. **Section 1. Budget stabilization reserve fund.** (1) There is an account in the state special revenue fund established by 17-2-102 known as the budget stabilization reserve fund.

(2) For the fiscal years beginning July 1, 2016, and July 1, 2017, if actual general fund revenues exceed the revenue estimate established pursuant to 5-5-227 for the 2-year period, excess revenues over $30 million are allocated as follows:

(a) 50% remains in the general fund; and

(b) 50% is transferred into the budget stabilization reserve fund on or before August 15 of the following fiscal year.

(3) Starting in the fiscal year beginning July 1, 2018, if actual general fund revenues for a fiscal year exceed the revenue estimate established pursuant to 5-5-227 for that fiscal year, all excess revenues are allocated as follows:

(a) 50% remains in the general fund; and

(b) 50% is transferred into the budget stabilization reserve fund on or before August 15 in the following fiscal year.

(4) The governor is authorized to use the budget stabilization reserve fund to:

(a) pay back conditional transfers made pursuant to 17-7-140;

(b) pay down the debt service on bonds for capital projects previously authorized by the legislature if allowed without penalty by the terms of the bond issuance;

(c) delay, forego, or reduce the amount of an issuance of bonds authorized by the legislature; or

(d) keep the funds in the budget stabilization reserve fund.

(5) If the governor uses funds as allowed under subsections (4)(a) through (4)(c), the governor must submit a report to the legislative finance committee of the amount used and the purpose of the use of the funds."
Renumber: subsequent sections

3. Page 2, lines 9 through 10.
Strike: "long-range" on line 9 through "building program account" on line 10
Insert: "budget stabilization reserve fund"

4. Page 2, line 10.
Strike: "4%"
Insert: "4.5%"

5. Page 2, line 12.
Following: "governor"
Insert: "pursuant to 17-7-140"

6. Page 4, line 4 through line 5.
Strike: "long-range" on line 4 through "building program account" on line 5"
Insert: "budget stabilization reserve fund"

7. Page 4, line 5.
Strike: "4%"
Insert: "4.5%"

8. Page 4, line 7.
Following: "governor"
Insert: "pursuant to 17-7-140"

9. Page 6, line 2.
Following: "(3)"
Strike: "Subject to subsections (7) and (8), the"
Insert: "The"

10. Page 8, line 9 through line 25.
Strike: subsection (7) through subsection (8) in their entirety

11. Page 12, line 3.
Following: line 2
Insert: "(a) From the budget stabilization reserve fund established in [section 1]."
Renumber: subsequent subsections

12. Page 12, lines 4 and 5.
Following: "limited to the"
Strike: "sum of the budget" on line 4 through "not been encumbered and" on line 5
Insert: "estimated amount of fund balance that"

13. Page 12, line 7.
Following: "fund balance"
Insert: "plus current year revenues"

14. Page 12, line 8.
Strike: "150%"
Insert: "125%"

15. Page 12, line 10.
Following: "only if the"
Insert: "unrestricted"
Following: "account"
Insert: "plus the monies invested in the board of investments' short-term investment pool"

16. Page 12, line 11.
Strike: "accrued"
Insert: "projected revenues and"
Following: "reduce its"
Insert: "anticipated"

Following: "cash"
Strike: "balance"
Insert: "and funds invested in the board of investments' short-term investment pool"

17. Page 12, line 13 through line 14.
Strike: "other than" on line 13 through "suppression account" on line 14
Insert: "designated in this subsection (7)(d)"

18. Page 12, line 27.
Strike: "authorize"
Insert: "convert"
Following: "transfer"
Strike: "as"
Insert: "to"

19. Page 13, line 1 through line 2.
Following: "account"
Strike: " -- deposit" on line 1 through "uses" on line 2

20. Page 13, line 9 through line 21.
Strike: subsection (5) through subsection (7) in their entirety

And, as amended, do pass.

SB 287, do pass.

FISH AND GAME (Fielder, Chair): 2/21/2017
SB 214, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: line 21
Insert: " (c) Except when the taking of game fish is authorized pursuant to subsections (1)(a)(ii) and (2)(a), all game fish captured while fishing as authorized under this subsection (1) must be returned uninjured to the waters from which they were taken."

2. Page 1, line 22.
Following: "(2)(a)"
Strike: "Except" through "(2)(c),"
Insert: "The commission shall adopt regulations to allow"
Strike: "swimming"

3. Page 1, line 23.
Strike: the first "or"
Strike: "lake or reservoir may"
Insert: "public water body to"

Following: "take"
Insert: "other"

4. Page 1, line 27.
Strike: "above"
Insert: "within 200 feet of"

5. Page 1, line 29.
Strike: subsection (i) in its entirety
Renumber: subsequent subsections

And, as amended, do pass.

SB 218, introduced bill, be amended as follows:

1. Page 3, line 29.
Following: "without having"
Insert: ":
(i)"

2. Page 3, line 30.
Following: "course"
Insert: "; and
(ii) turned 12 years of age by January 16 of the license year"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 2/21/2017
SB 203, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: "officer"
Insert: "shall"

2. Page 1, line 21.
Strike: "shall"

3. Page 1, line 22.
Strike: "may request that"
Insert: "have"

4. Page 1, line 23.
Following: "suffering"
Insert: ", unless a licensed veterinarian cannot be located or the animal owner has a preexisting veterinarian-client patient relationship to a licensed veterinarian"

5. Page 1.
Following: line 23
Insert: "(c) If a licensed veterinarian did not accompany the law enforcement officer to the premises, the law enforcement officer shall have the seized animal examined by a licensed veterinarian who does not have a preexisting veterinarian-client relationship to the animal's owner as expeditiously as possible."

6. Page 3, line 29 through page 4, line 6.
Strike: subsection (8) in its entirety
Insert: "(8) If the court does not make the finding described in subsection (6)(a), the animal must be released to the respondent."

7. Page 4, line 10.
Strike: "substantial"

8. Page 4, line 11.
Strike: "substantially"

And, as amended, do pass.

SB 282, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "PROHIBIT"
Insert: "RESTRICT"

2. Page 3, line 13.
Following: "more"
Insert: "or that a fetus is able to live outside the mother's womb, albeit with artificial aid, whichever occurs earlier"

3. Page 5, line 4.
Following: "~~(2)~~"
Strike: ". If a fetus is viable and"
Following: ","
Insert: "except that if"

4. Page 5, line 7.
Following: "fetus,"
Strike: "the"
Insert: "a"
Strike: "or physician assistant"
Strike: "induce"
Insert: "terminate the pregnancy by inducing "
Strike: "deliver"

Insert: "delivering"

5. Page 5, line 8.
Following: "section"
Insert: ". The physician may not intentionally cause the death of the viable fetus prior to or during delivery"
Following: "and"
Insert: "shall"

6. Page 6, line 3.
Strike: "and"

7. Page 6, line 5.
Following: "~~fetus~~"
Insert: ", and if after viability, the medical procedures employed to protect and preserve the life and health of the fetus"

And, as amended, do pass.

SB 286, do pass.
SB 293, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "(1)"
Insert: "(a)"

2. Page 1, line 13.
Following: "~~year~~"
Strike: "a prevailing claimant is entitled to interest"
Insert: "interest is payable on judgments recovered in the courts of this state and on the cost incurred to obtain or enforce a judgment"

3. Page 1.
Following: line 15
Insert: "(b) The rate for bank prime loans established in subsection (1)(a) must be set as of January 1 of each year and remain in effect until December 31 of each year."

4. Page 1, line 20.
Following: "(1)"
Insert: "(a)"

5. Page 1.
Following: line 25
Insert: "(b) The rate for bank prime loans established in subsection (1)(a) must be set as of January 1 of each year and remain in effect until December 31 of each year."

And, as amended, do pass.

SJ 15, do pass.

JUDICIARY (Regier, Chair): 2/22/2017
SB 207, do pass.
SB 249, introduced bill, be amended as follows:

1. Page 4, line 1.
Strike: "shall"
Insert: "may"

2. Page 4, line 2.
Following: "hearing"
Insert: "at the request of the defendant"

And, as amended, do pass.

SB 250, do pass.
SB 258, do pass.
SB 310, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/21/2017

SB 50, introduced by J. Pomnichowski

House bills passed and transmitted to the Senate for concurrence: 2/21/2017

HB 282, introduced by M. Cuffe
HB 285, introduced by W. McKamey
HB 404, introduced by L. Sheldon-Galloway
HB 405, introduced by R. Cook
HB 427, introduced by A. Knudsen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 322, introduced by P. Connell, referred to State Administration.
SB 324, introduced by R. Tempel, M. Blasdel, M. Lang, T. Richmond, referred to Taxation.
SB 325, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 326, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 282, introduced by M. Cuffe, S. Gunderson, referred to State Administration.
HB 285, introduced by W. McKamey, Anderson, Fitzpatrick, D. Jones, Karjala, Kelker, Knokey, Lavin, Pierson, Price, F. Smith, Trebas, and Windy Boy., referred to Public Health, Welfare and Safety.
HB 404, introduced by L. Sheldon-Galloway, referred to Judiciary.
HB 405, introduced by R. Cook, referred to Local Government.
HB 427, introduced by A. Knudsen, J. Pomnichowski, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 119 - Senator Tempel moved **HB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 47

Nays: Brown, Moore, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291 - Senator Phillips moved consideration of **SB 291** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 96 - Senator C. Smith moved **SB 96** do pass.

SB 96 - Senator C. Smith moved **SB 96**, second reading copy, be amended as follows:

1. Page 5, line 26.
Following: "~~(A)~~"
Insert: "(a)"

2. Page 6.
Following: line 3
Insert: "(b) The term does not include the state employee group insurance program established in Title 2, chapter 18, part 8, or the Montana university system group benefit plans established in Title 20, chapter 25, part 13."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 96 - Bill, as amended, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 36

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford.
Total 14

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 213 - Senator Cohenour moved **SB 213** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 219 - Senator Buttrey moved consideration of **SB 219** be placed below **SB 98** on the second reading board. Without objection, so ordered.

HB 247 - Senator Vincent moved **HB 247** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198 - Senator Caferro moved **SB 198** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 199 - Senator Caferro moved **SB 199** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinebauch, Howard.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224 - Senator Malek moved **SB 224** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Pomnichowski, Tempel.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 228 - Senator Ankney moved **SB 228** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 41

Nays: Fielder, Kary, Moore, Osmundson, Smith C, Vance, Vincent, Webb, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 243 - Senator Connell moved **SB 243** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Osmundson, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Wolken, Mr.President.
Total 26

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Gauthier, Gross, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Smith F, Webb, Whitford.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 252 - Senator Blasdel moved **SB 252** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 301 - Senator D. Brown moved **SB 301** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 98 - Senator C. Smith moved **SB 98** do pass. Motion **failed** as follows:

Yeas: Blasdel, Brown, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.
Total 20

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 98 - Majority Leader Thomas moved **SB 98** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Blasdel, Hinkle, Howard, Kary, Moore, Olszewski, Smith C, Swandal, Thomas, Vance, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 219 - Senator Buttrey moved **SB 219** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Sesso.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Phillips assumed the chair.

SB 291 - Senator Facey moved **SB 291** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Kary, Olszewski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 92 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 99 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 131, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Swandal, Tempel, Thomas, Vance, Vincent, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Howard, MacDonald, Malek,

McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Vuckovich, Webb, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 143 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 155 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 182 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 206 passed as follows:

Yeas: Ankney, Boland, Brown, Caferro, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 36

Nays: Barrett, Blasdel, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gross, Jones, MacDonald, Moore, Pomnichowski, Regier, Sesso.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 passed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan,

Lang, Moore, Olszewski, Salomon, Smith C, Vincent, Webb, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 216 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Olszewski, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 227 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Brown, Fielder, Hinebauch, Keenan, Smith C, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 231 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.
Total 38

Nays: Brown, Hinebauch, Hinkle, Keenan, Malek, McClafferty, Pomnichowski, Smith C, Smith F, Vincent, Whitford, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 294** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Webb moved that **SB 133** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading tomorrow. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Keenan,

MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Smith F, Tempel, Thomas, Webb, Whitford, Wolken.
Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, Moore, Osmundson, Regier, Salomon, Sesso, Small, Smith C, Swandal, Vance, Vincent, Vuckovich, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, February 23, 2017, the fortieth legislative day. Motion carried.

Senate adjourned at 2:43 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 23, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/23/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-first, thirty-second, thirty-third, thirty-fourth, and thirty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 104**, **SB 178**, **SB 198**, **SB 199**, **SB 213**, **SB 219**, **SB 224**, **SB 228**, **SB 234**, **SB 240**, **SB 241**, **SB 243**, **SB 252**, **SB 258**, **SB 261**, **SB 264**, **SB 270**, **SB 272**, **SB 274**, **SB 275**, **SB 278**, **SB 279**, **SB 282**, **SB 283**, **SB 291**, **SB 292**, **SB 297**, **SB 301**, **SB 303**, **SB 305**, **SB 307**, **SB 313**, **SB 327**, **SB 328**, **SB 329**, **SJ 16**, **HB 119**, **HB 247**.
Correctly engrossed: **SB 43**, **SB 96**, **SB 145**, **SB 164**, **SB 174**, **SB 197**, **SB 229**, **SB 233**, **SB 242**, **SB 248**, **SB 250**, **SB 260**, **SB 271**, **SB 281**, **SB 284**, **SB 289**, **SB 294**, **SB 298**, **SB 300**, **SB 306**, **SB 309**, **SB 321**, **SB 325**, **SJ 19**.
Correctly enrolled: **SB 50**, **SB 85**, **SB 131**.
Examined by the sponsor and found to be correct: **SB 50**.
Transmitted to the House: **SB 92**, **SB 99**, **SB 143**, **SB 155**, **SB 182**, **SB 206**, **SB 212**, **SB 216**, **SB 226**, **SB 227**, **SB 231**.
Signed by the President at 3:10 p.m., February 23, 2017: **SB 50**.
Signed by the Secretary of the Senate at 3:45 p.m., February 23, 2017: **SB 50**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/22/2017
SB 298, introduced bill, be amended as follows:

1. Page 3, line 2.
Following: "more years."
Insert: To qualify for the exemption from the definition of "employer" under this subsection (5)(b), a religious corporation, religious organization, or religious trust must exclusively use the services of individuals meeting exemption from the definition of employee as provided in 39-71-118(2)(e)."

2. Page 5, line 18.
Following: "administration.

Insert: "To qualify for the exemption from the definition of "employee" under this subsection (2)(e), the individual must exclusively perform services on behalf of the individual or a religious corporation, religious organization, or religious trust meeting the exemption from the definition of employer as provided in 39-71-117(5)(b)."

And, as amended, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/22/2017
SB 242, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "ENCOURAGING" on line 5 through "SCHOOLS;" on line 7

2. Page 1, line 14.
Strike: "(3)"
Insert: "(2)"

3. Page 1, line 17 through line 20.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

4. Page 1, line 28.
Strike: "(3)"
Insert: "(2)"

And, as amended, do pass.

FINANCE AND CLAIMS (Jones, Chair): 2/23/2017
SB 43, introduced bill, be amended as follows:

1. Page 3.
Following: line 22
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If House Bill No. 2 is passed and approved and does not include funding to the architecture and engineering division of the department of administration for compiling a statewide facility inventory and condition assessment, then [this act] is void."
Renumber: subsequent sections

And, as amended, do pass.

SB 145, introduced bill, be amended as follows:

1. Page 7.
Following: line 26
Insert: "NEW SECTION. **Section 5. Implementation.** The department shall implement [this act]

within existing resources."
Renumber: subsequent sections

And, as amended, do pass.

SB 197, introduced bill, be amended as follows:

1. Page 2.
Following: line 7
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If House Bill No. 2 is passed and approved and does not include funding for [this act], then [this act] is void."

And, as amended, do pass.

SB 233, introduced bill, be amended as follows:

1. Page 23.
Following: line 22
Insert: "NEW SECTION. **Section 8. Implementation.** The department shall implement [this act] within existing resources."
Renumber: subsequent sections

And, as amended, do pass.

SB 240, do pass.
SB 260, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "FUND;"
Insert: "PROVIDING FOR TRANSFERS;"

2. Page 1, line 17.
Following: "legislature."
Insert: "In fiscal years 2018 and 2019, the state treasurer shall transfer from this account to the public employees' retirement system defined benefit plan trust fund an amount to satisfy the provisions of 15-35-108(9)(b)(iv).

(3) A school district that receives funds from the school facilities account shall, within 30 days of receiving the funds, file with the office of the superintendent of public instruction a document acknowledging it has received funds from the coal severance tax trust fund."

3. Page 2, line 24.
Following: "fund."
Insert: "The budget director shall certify to the state treasurer when the balance of the school facilities fund is $200 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance permanent fund 75% of the amount

in the coal severance tax bond fund that exceeds the amount that is specified pursuant to subsection (2) to be retained in the fund."

4. Page 4, line 5.
Following: "fund."
Insert: "The budget director shall certify to the state treasurer when the balance of the school facilities fund is $200 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance permanent fund 75% of the amount in the coal severance tax bond fund that exceeds the amount that is specified pursuant to subsection (2) to be retained in the fund."

And, as amended, do pass.

SB 271, introduced bill, be amended as follows:

1. Page 6, line 4.
Following: "community"
Insert: ", not to exceed the amount of medicaid waiver appropriations in House Bill No. 2"

2. Page 6, line 5.
Following: "individual;"
Insert: "and"

3. Page 6, line 7.
Following: "crisis"
Strike: "; and"
Insert: "."

4. Page 6, line 8 through line 9.
Strike: subsection (d) in its entirety

And, as amended, do pass.

SB 294, introduced bill, be amended as follows:

1. Page 2, line 29.
Following: "occupation."
Insert: "The minimum salary for an employee may not be greater than the employee's base salary as of [the effective date of this act]."

2. Page 6, line 23.
Following: "salary."
Insert: "The minimum salary for an employee may not be greater than the employee's base salary as of [the effective date of this act]."

And, as amended, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/22/2017
SB 241, do pass.

LOCAL GOVERNMENT (Webb, Chair): 2/22/2017
SB 274, do pass.
SB 278, do pass.
SB 306, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "STATE"
Insert: "AND LOCAL"
Following: "REVIEW"
Strike: "OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS"

2. Title, page 1, line 10.
Following: "70-23-102"
Insert: ", 76-3-203,"

3. Page 3, line 4.
Following: "[section 1(5)(a)(v)]"
Insert: ","

4. Page 5, line 28.
Following: line 28
Insert: "Section 4. Section 76-3-203, MCA, is amended to read:

"76-3-203. Exemption for certain condominiums <u>and townhouses</u>. Condominiums, townhomes, ~~or~~ townhouses, <u>or conversions from condominiums to townhomes or townhouses,</u> as those terms are defined in 70-23-102, constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

(1) the approval of the original subdivision of land expressly contemplated the construction of the condominiums, townhomes, or townhouses and any applicable park dedication requirements in 76-3-621 are complied with; or

(2) the condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.""
Renumber: subsequent subsections

And, as amended, do pass.

NATURAL RESOURCES (Vincent, Chair): 2/22/2017
SB 281, introduced bill, be amended as follows:

1. Page 1, line 22.

Following: "(d)"
Insert: "grants for"
Following: "equipment"
Insert: "for county cooperatives"

2. Page 1, line 24.
Strike: subsection (f) in its entirety
Renumber: subsequent subsections

3. Page 1, line 25.
Following: "representative of"
Strike: "a"
Insert: "an affected"

4. Page 1, line 26.
Following: "project"
Insert: "and for local governments engaged in litigation related to federal forest projects"
Following: ";"
Insert: "and"

5. Page 1 through page 27.
Strike: "; and"
Insert: "."

6. Page 1, line 28.
Strike: subsection (i) in its entirety

7. Page 2, line 11.
Following: "$40 million,"
Insert: "the excess, up to"
Following: "$5 million"
Insert: ","
Strike: "in the account"
Strike: "(4)(h)."
Insert: "(4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f)."

And, as amended, do pass.

SB 284, introduced bill, be amended as follows:

1. Page 2.
Following: line 22
Insert: "(k) translocation of sage grouse to augment or reestablish populations in suitable but underutilized or unoccupied habitat;"

Renumber: subsequent subsections

2. Page 3, line 5.
Strike: "(1)(l)(ii)"
Insert: "(1)(m)(ii)"

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/22/2017
SB 272, do pass.
SB 321, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "LICENSED PHYSICIAN"
Insert: "OR PODIATRIST"

2. Page 1, line 14.
Following: "A physician"
Insert: "or podiatrist"

3. Page 2, line 5.
Following: "A licensed physician"
Insert: "or podiatrist"

And, as amended, do pass.

SJ 19, introduced joint resolution, be amended as follows:

1. Page 1, line 12 through line 13.
Strike: "WHEREAS" on line 12 through "; and" on line 13

And, as amended, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/22/2017
SB 270, do pass.
SB 279, do pass.
SB 297, do pass.
SB 303, do pass.
SB 305, do pass.
SJ 16, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/22/2017

SB 85, introduced by M. Moe

House bills passed and transmitted to the Senate for concurrence: 2/22/2017

HB 30, introduced by J. Essmann
HB 44, introduced by J. Essmann
HB 94, introduced by F. Garner
HB 244, introduced by T. Jacobson
HB 325, introduced by N. Ballance
HB 346, introduced by W. Curdy
HB 348, introduced by P. Webb
HB 360, introduced by B. Hamlett
HB 362, introduced by E. Hill Smith
HB 367, introduced by B. Beard
HB 373, introduced by B. Grubbs
HB 381, introduced by D. Lenz
HB 384, introduced by A. Knudsen
HB 432, introduced by B. Hamlett
HB 433, introduced by B. Hamlett

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 327, introduced by R. Webb, T. Gauthier, referred to Taxation.
SB 328, introduced by L. Whitford, D. Barrett, S. Webber, referred to Taxation.
SB 329, introduced by K. Regier, E. Buttrey, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 30, introduced by J. Essmann (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 44, introduced by J. Essmann (by request of the Supreme Court), referred to Judiciary.
HB 94, introduced by F. Garner (by request of the Public Safety Officer Standards and Training Council), referred to Judiciary.
HB 244, introduced by T. Jacobson, K. Dudik, J. Essmann, K. McCarthy, L. Sheldon-Galloway, B. Usher, referred to Public Health, Welfare and Safety.
HB 325, introduced by N. Ballance, referred to Agriculture, Livestock and Irrigation.

HB 346, introduced by W. Curdy, D. Barrett, referred to Business, Labor, and Economic Affairs.
HB 348, introduced by P. Webb, referred to Judiciary.
HB 360, introduced by B. Hamlett, B. Brown, Z. Brown, P. Connell, C. Glimm, S. Stewart-Peregoy, C. Vincent, G. Vuckovich, J. Welborn, referred to Natural Resources.
HB 362, introduced by E. Hill Smith, referred to Public Health, Welfare and Safety.
HB 367, introduced by B. Beard, A. Doane, R. Fitzgerald, K. Flynn, W. Galt, F. Garner, T. Gauthier, C. Glimm, S. Gunderson, B. Harris, S. Hinebauch, J. Hinkle, G. Pierson, A. Redfield, M. Regier, T. Richmond, L. Sheldon-Galloway, S. Staffanson, F. Thomas, G. Vuckovich, P. Webb, R. Webb, T. Welch, K. White, referred to Fish and Game.
HB 373, introduced by B. Grubbs, Z. Brown, referred to Local Government.
HB 381, introduced by D. Lenz, F. Garner, E. McClafferty, L. Sheldon-Galloway, referred to Education and Cultural Resources.
HB 384, introduced by A. Knudsen, A. Doane, S. Hinebauch, C. Knudsen, M. Lang, R. Osmundson, A. Redfield, B. Smith, S. Staffanson, G. Vance, referred to Energy and Telecommunications.
HB 432, introduced by B. Hamlett, P. Connell, C. Glimm, C. Knudsen, C. Vincent, G. Vuckovich, referred to Natural Resources.
HB 433, introduced by B. Hamlett, P. Connell, T. Richmond, C. Vincent, G. Vuckovich, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 283 - Senator Olszewski moved **SB 283** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 234 - Senator Caferro moved **SB 234** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 - Senator L. Jones moved **SB 307** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 104 - Senator Sands moved **SB 104** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 43

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Regier, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 151 - Senator Facey moved consideration of **SB 151** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 178 - Senator Swandal moved **SB 178** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 222 - Senator Fitzpatrick moved **SB 222** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 248 - Senator Blasdel moved **SB 248** do pass.

SB 248 - Senator Blasdel moved **SB 248**, second reading copy, be amended as follows:

1. Page 2, line 15.
Strike: "35"
Insert: "20"
Strike: "10"
Insert: "2"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Fitzpatrick, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248 - Bill, as amended, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Barrett, Boland, Cohenour, Facey, Gross, Lang, MacDonald, Malek, McNally, Moore, Phillips, Pomnichowski, Sands, Vincent, Whitford.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 264 - Senator Swandal moved **SB 264** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 - Senator Facey moved **SB 292** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 300 - Senator Sands moved **SB 300** do pass.

SB 300 - Senator Sands moved **SB 300**, second reading copy, be amended as follows:

1. Page 1, line 12.
Strike: "Pediatric physicians"
Insert: "Physicians"
Following: "advise"
Insert: "elderly and immunocompromised individuals,"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Moore, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 300 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Osmundson, Regier, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 164 - Senator K. Regier moved **SB 164** do pass.

SB 164 - Senator Barrett moved **SB 164**, second reading copy, be amended as follows:

1. Page 2, line 18.
Strike: "CUSTOMER"
Insert: "resident"
Following: "SERVED"
Insert: "in whole or in part"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 39

Nays: Brown, Fielder, Hinebauch, Howard, Kary, Lang, Smith C, Vance, Vincent, Webb, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 164 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 203 - Senator Swandal moved **SB 203** do pass. Motion **failed** as follows:

Yeas: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Whitford, Wolken.
Total 23

Nays: Ankney, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Small, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 203 - Majority Leader Thomas moved **SB 203** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 250 - Senator Swandal moved **SB 250** do pass.

SB 250 - Senator Swandal moved **SB 250**, second reading copy, be amended as follows:

1. Title, line 5.
Strike: "LAW ENFORCEMENT"
Insert: "PUBLIC SAFETY"

2. Page 1, line 18.
Strike: "law enforcement"

Insert: "public safety"

3. Page 1, line 23.
Strike: "law enforcement"
Insert: "public safety"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 250 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258 - Senator Swandal moved **SB 258** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261 - Senator L. Jones moved **SB 261** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken.
Total 35

Nays: Barrett, Caferro, Cohenour, Fielder, Gross, Hinebauch, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 275 - Senator Buttrey moved **SB 275** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 - Senator Olszewski moved **SB 282** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 39

Nays: Boland, Cohenour, Kary, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Whitford, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/23/2017
SB 311, do pass.

JUDICIARY (Regier, Chair): 2/22/2017
SB 230, do pass.

JUDICIARY (Regier, Chair): 2/23/2017
SB 174, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "REVISING CERTAIN" on line 5 through "NONPAYMENT OF RENT;" on line 6

2. Title, page 1, line 7.
Following: "70-24-404,"
Strike: "70-24-421,"
Following: "70-33-403,"
Strike: "70-33-410,"

3. Page 1, line 30 through page 2, line 12.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 4, line 16 through line 30.
Strike: section 6 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 229, introduced bill, be amended as follows:

1. Page 4, line 7.
Following: "~~or~~"
Insert: "or"

2. Page 4, line 9 through line 13.
Following: "drugs" on line 9
Strike: "; or" on line 9 through "45-10-101" on line 13
Following: line 13
Insert: "(c)(i) The department shall promptly disclose the results of an investigation to an individual described in subsection (4)(a) or to a county interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the determination that:
(A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

(B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession of a Schedule I or Schedule II drug that is prohibited by state law.

(ii) For the purposes of this subsection (4)(c), exposure occurs when a child is caused or permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have contact with drug paraphernalia as defined in 45-10-101."

And, as amended, do pass.

SB 268, do pass.
SB 295, do pass.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Thomas moved that **SB 279** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 5:00 p.m. this day. Motion carried. Senate recessed at 3:01 p.m.

Senate reconvened at 5:00 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/23/2017
SB 247, introduced bill, be amended as follows:

1. Title, line 4 through line 7.
Strike: "CREATING" on line 4 through "DATES" on line 7
Insert: "REQUIRING THE DEPARTMENT OF AGRICULTURE TO PREPARE A STATE POLLINATOR REPORT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 10 through page 2, line 7.
Strike: "; and" on line 10 through "their risks" on page 2, line 7

3. Page 2, line 11 through page 4, line 13.
Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Pollinator report -- requirements -- deadline.** (1) Before September 1, 2018, the department of agriculture shall prepare a state pollinator report, which must include but is not limited to:

(a) an assessment of current applications of neonicotinoid insecticides to pollinators;

(b) a proposal to efficiently and effectively create and enhance pollinator nesting and foraging habitat in the state, including the establishment of pollinator reserves or refuges; and

(c) recommendations for best management practices and habitat restoration guidelines for pollinator habitat enhancement.

(2) The department shall:

(a) publish electronically the report prepared under subsection (1) and make it available for public comment; and

(b) address and incorporate public comment into the report and provide a final report to the environmental quality council and the legislature pursuant to 5-11-210.

(3) The department may seek federal or private funds to meet the requirements of this section."

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/23/2017

SB 289, introduced bill, be amended as follows:

1. Page 3, line 10.
Strike: "delinquent"
Following: "fees"
Insert: "that have been delinquent for more than 30 days"

2. Page 3, line 11.
Following: "to the property"
Insert: "pertaining to forms issued to owners of title insurance relating to escrows, settlements, or closings"

And, as amended, do pass.

SB 309, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "REMOVING OPTIONS" on line 7 through "REDESIGN ITSELF;" on line 8

2. Page 4, line 9.
Strike: "63.5%"
Insert: "64.4%"

3. Page 4, line 18.

Strike: "1.4%"
Insert: "0.5%"

4. Page 5, line 17.
Following: "(a)"
Insert: "in conjunction with the tourism advisory council provided for in 2-15-1816,"

And, as amended, do pass.

SB 318, do pass.
SB 325, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND AN APPLICABILITY DATE"

2. Page 1, line 25.
Strike: "**-- applicability**"

3. Page 1, line 25 through line 26.
Following: "July 1, 2017"
Strike: ", and" on line 25 through "July 1, 2017" on line 26

And, as amended, do pass. Report adopted.

SR 46, be adopted.
SJ 13, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/23/2017
SJ 10, do pass.

NATURAL RESOURCES (Vincent, Chair): 2/22/2017
SB 315, do pass.

Without objection, committee reports were adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator F. Smith excused at this time.

SB 293 - Senator C. Smith moved **SB 293** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Facey, Gauthier, Pomnichowski, Sands.
Total 4

Absent or not voting: None.
Total 0

Excused: Smith F.
Total 1

Senator F. Smith joined the committee at this time.

SB 302 - Senator Buttrey moved **SB 302** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Hinkle, Howard, MacDonald, Malek, McClafferty, Pomnichowski, Smith C.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 310 - Senator Whitford moved **SB 310** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel,

Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Buttrey, Fielder, Hinkle, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 15 - Senator Howard moved **SJ 15** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 151 - Senator D. Brown moved **SB 151** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Cohenour, Fielder, Keenan, Pomnichowski, Regier, Smith F, Vuckovich, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 42

Nays: Boland, Cohenour, Facey, Malek, McClafferty, Pomnichowski, Sands, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 198 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 199 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Hinebauch, Howard, Regier, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 213 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 219 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Sesso.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Lang, Tempel.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 228 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 38

Nays: Blasdel, Fielder, Hinkle, Kary, Keenan, Moore, Osmundson, Smith C, Vance, Vincent, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 243 passed as follows:

Yeas: Ankney, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, McClafferty, Osmundson, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Mr.President.
Total 26

Nays: Barrett, Blasdel, Boland, Cohenour, Facey, Gross, Kary, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Webb, Welborn, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 252 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 301 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 119 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 43

Nays: Brown, Hinebauch, Keenan, Smith C, Swandal, Welborn, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 247 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Fielder, Chair): 2/23/2017
SB 314, do pass.
SJ 8, do pass.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Thomas moved the Senate **suspend rule** S40-60 related to the time period that must elapse between receiving legislation from printing and scheduling for second reading, and that the suspension apply to all bills and resolutions scheduled through the forty-fifth day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Olszewski moved that **SB 319** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading tomorrow. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Hinebauch, Howard, Kary, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Vance, Webb, Welborn, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sands moved that **SJ 17** be taken from the Natural Resources Committee and placed on second reading tomorrow. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:00 a.m., Friday, February 24, 2017, the forty-first legislative day. Motion carried.

Senate adjourned at 5:51 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 24, 2017 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/24/2017

Correctly printed: **SB 43**, **SB 44**, **SB 115**, **SB 126**, **SB 145**, **SB 151**, **SB 167**, **SB 168**, **SB 174**, **SB 197**, **SB 214**, **SB 222**, **SB 229**, **SB 230**, **SB 233**, **SB 240**, **SB 241**, **SB 242**, **SB 245**, **SB 260**, **SB 268**, **SB 270**, **SB 271**, **SB 274**, **SB 278**, **SB 279**, **SB 281**, **SB 282**, **SB 284**, **SB 286**, **SB 287**, **SB 289**, **SB 293**, **SB 294**, **SB 295**, **SB 297**, **SB 298**, **SB 302**, **SB 303**, **SB 305**, **SB 306**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 314**, **SB 315**, **SB 318**, **SB 319**, **SB 321**, **SB 325**, **SR 46**, **SJ 8**, **SJ 10**, **SJ 13**, **SJ 15**, **SJ 16**, **SJ 18**, **SJ 19**.

Correctly engrossed: **SB 193**, **SB 207**, **SB 247**, **SB 249**, **SB 272**.

Transmitted to the House: **SB 43**, **SB 44**, **SB 96**, **SB 104**, **SB 115**, **SB 126**, **SB 145**, **SB 151**, **SB 164**, **SB 168**, **SB 174**, **SB 178**, **SB 197**, **SB 198**, **SB 199**, **SB 207**, **SB 213**, **SB 214**, **SB 219**, **SB 222**, **SB 224**, **SB 228**, **SB 229**, **SB 233**, **SB 234**, **SB 240**, **SB 241**, **SB 242**, **SB 243**, **SB 248**, **SB 249**, **SB 250**, **SB 252**, **SB 258**, **SB 260**, **SB 261**, **SB 264**, **SB 268**, **SB 270**, **SB 271**, **SB 272**, **SB 274**, **SB 275**, **SB 278**, **SB 279**, **SB 281**, **SB 282**, **SB 283**, **SB 284**, **SB 286**, **SB 287**, **SB 289**, **SB 291**, **SB 292**, **SB 293**, **SB 294**, **SB 295**, **SB 297**, **SB 298**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 305**, **SB 306**, **SB 307**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 314**, **SB 315**, **SB 318**, **SB 319**, **SB 321**, **SB 325**, **SJ 8**, **SJ 10**, **SJ 13**, **SJ 15**, **SJ 16**, **SJ 18**, **SJ 19**, **HB 119**, **HB 247**.

Signed by the President at 2:15 p.m., February 24, 2017: **SB 85**, **SB 131**.

Signed by the Secretary of the Senate at 3:20 p.m., February 24, 2017: **SB 85**, **SB 131**.

Signed by the Speaker at 1:40 p.m., February 24, 2017: **SB 50**.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/23/2017

HB 168, introduced by Z. Brown
HB 344, introduced by G. Custer
HB 364, introduced by D. Loge
HB 393, introduced by D. Zolnikov
HB 494, introduced by S. Berglee
HB 500, introduced by A. Hertz

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced and read first time:

SB 330, introduced by C. Vincent.

The following House bills were introduced and read first time:

HB 168, introduced by Z. Brown, D. Mortensen, N. Swandal.
HB 344, introduced by G. Custer.
HB 364, introduced by D. Loge, R. Cook, R. Fitzgerald, B. Grubbs, W. McKamey, W. Sales, D. Skees, S. Staffanson, J. Trebas, B. Usher, P. Webb, R. Webb.
HB 393, introduced by D. Zolnikov, E. Buttrey, A. Curtis, T. Facey, V. Ricci, C. Schreiner, J. Small, F. Smith, J. Trebas, B. Usher.
HB 494, introduced by S. Berglee, F. Anderson, M. Blasdel, R. Brodehl, C. Knudsen, S. Lavin, D. Mortensen, D. Skees, K. Wagoner, D. Zolnikov.
HB 500, introduced by A. Hertz, G. Hertz.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 96 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 104 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Blasdel, Hinebauch, Hinkle, Regier, Vincent, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 151 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.
Total 38

Nays: Boland, Cohenour, Facey, Fielder, Hinebauch, Pomnichowski, Regier, Smith C, Swandal, Vincent, Whitford, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 164 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 178 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 222 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 234 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Richmond, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Wolken, Mr.President.
Total 32

Nays: Barrett, Boland, Cohenour, Facey, Gross, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Smith F, Vincent, Vuckovich, Whitford.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 250 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 258 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.
Total 36

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hinebauch, MacDonald, Malek, Pomnichowski, Smith F, Vincent, Whitford, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 264 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Regier,

Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 35

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sesso, Vuckovich, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 275 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 283 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinkle, Howard.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Facey, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 300 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 29

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Osmundson, Regier, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 302 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Fielder, Hinkle, Howard, Keenan, MacDonald, Malek, McClafferty, Pomnichowski, Smith C.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 310 passed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Buttrey, Fielder, Hinebauch, Hinkle, Kary, Moore, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 15 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 207 - Senator Moore moved consideration of **SB 207** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 249 - Senator Swandal moved consideration of **SB 249** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 44 - Senator Vance moved **SB 44** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 214 - Senator Cohenour moved **SB 214** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Hinebauch, Lang, Olszewski.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 115 - Senator Moore moved **SB 115** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 41

Nays: Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Smith C, Thomas, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 - Senator Moore moved **SB 286** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 287 - Senator L. Jones moved **SB 287** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - Senator Welborn moved **SB 312** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 18 - Senator Blasdel moved **SJ 18** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 240 - Senator Buttrey moved **SB 240** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 - Senator Buttrey moved **SB 241** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 - Senator Malek moved **SB 242** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 270 - Senator Kary moved **SB 270** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 26

Nays: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 274 - Senator Buttrey moved **SB 274** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 278 - Senator Hinebauch moved **SB 278** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 284 - Senator Lang moved **SB 284** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 - Senator Buttrey moved consideration of **SB 298** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 297 - Senator Hinkle moved **SB 297** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 303 - Senator Buttrey moved **SB 303** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 - Senator Fitzpatrick moved **SB 305** do pass.

SB 305 - Senator Fitzpatrick moved **SB 305**, second reading copy, be amended as follows:

1. Page 1, line 16.
Strike: "and"

2. Page 1, line 22.
Following: "electors"
Insert: ";
(c) the election must be conducted in accordance with any federal court decision or settlement on voting rights applicable in the county;
(d) for a county that is not covered under a federal court decision or settlement on voting rights, the county election administrator, in consultation with tribal governments, may address peculiar demographic, socioeconomic, or geographical conditions in the county by establishing satellite offices or staffed places of deposit and shall include in the mail ballot plan under 13-19-205 details about the location, hours of operation, and voter services to be provided at those locations; and
(e) the county election administrator may prepare returned ballots no earlier than 1 business day before election day, in accordance with 13-13-241(7)"

Amendment **not** adopted as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 21

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 - Thereupon, the Senate reverted to the original motion of Senator Fitzpatrick which passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Thomas, Vincent, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 306 - Senator R. Webb moved **SB 306** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 257** be taken from the Judiciary Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until the hour of 11:00 a.m. this day. Motion carried. Senate recessed at 10:02 a.m.

Senate reconvened at 11:00 a.m., President Sales presiding. Senator Gauthier, excused.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 8 - Senator Facey moved consideration of **SJ 8** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 321 - Senator Olszewski moved **SB 321** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 207 - Senator Moore moved **SB 207** do pass.

SB 207 - Senator Moore moved **SB 207**, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "THROUGH EMINENT DOMAIN PROCEEDINGS"

2. Title, line 6 through line 7.
Strike: "SECTIONS" on line 6 through the first "AND" on line 7
Insert: "SECTION"

3. Page 1, line 12 through line 24.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Confidentiality of cultural sites.** (1) The location of any heritage properties or paleontological remains on or beneath land, rights-of-way, or easements obtained for a common carrier pipeline is confidential and may not be disclosed by the entity owning, operating, or managing any common carrier pipeline.

(2) For purposes of this section, the following definitions apply:

(a) "Heritage property" has the meaning provided in 22-3-421.

(b) "Paleontological remains" has the meaning provided in 22-3-421."

4. Page 2, line 3 through line 4.
Strike: "acquired" on line 3 through "75-20-113" on line 4

5. Page 2.
Following: line 9
Insert: "NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 69, chapter 13, part 1, and the provisions of Title 69, chapter 13, part 1, apply to [section 1]."
Renumber: subsequent sections

6. Page 2, line 13 through line 15.
Following: "to" on line 13

Strike: ":" on line 13 through "(2)" on line 15

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 47

Nays: Smith F, Whitford.
Total 2

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 207 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 40

Nays: Caferro, Malek, McClafferty, Phillips, Pomnichowski, Sesso, Smith F, Whitford, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 249 - Senator Swandal moved **SB 249** do pass.

SB 249 - Senator Swandal moved **SB 249**, second reading copy, be amended as follows:

1. Page 2, line 20.
Strike: "In a case relating to a felony crime,"
Insert: "After a case has been filed in district court and the defendant has been arraigned, and"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 249 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 298 - Senator Osmundson moved **SB 298** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 45

Nays: Malek, Smith F, Vuckovich, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 43 - Senator Sesso moved **SB 43** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Fielder, Hinebauch, Hinkle, Howard, Regier, Richmond, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 145 - Senator R. Webb moved **SB 145** do pass. Motion carried as follows:

Yeas: Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fitzpatrick, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Webb, Whitford, Wolken.
Total 35

Nays: Ankney, Boland, Facey, Fielder, Gross, Hinebauch, MacDonald, Phillips, Pomnichowski, Sesso, Vincent, Vuckovich, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 174 - Senator R. Webb moved **SB 174** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 197 - Senator Blasdel moved consideration of **SB 197** be placed below **SB 325** on the second reading board. Without objection, so ordered.

SB 229 - Senator Moore moved **SB 229** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 233 - Senator Caferro moved **SB 233** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 260 - Senator L. Jones moved **SB 260** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

SB 268 - Senator Fitzpatrick moved **SB 268** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Cohenour, MacDonald.
Total 2

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 48

Nays: Welborn.
Total 1

Absent or not voting: None.
Total 0

Excused: Gauthier.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced and read first time:

SB 331, introduced by M. Phillips, D. Barrett.

MOTIONS

Senator Hoven moved that **SB 326** be taken from the Business, Labor, and Economic Affairs Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Sands, Sesso, Smith F, Tempel, Whitford, Wolken.
Total 20

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn,

Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Motion carried.
Senate recessed at 12:00 p.m.

Senate reconvened at 1:03 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/24/2017
SB 167, do pass.
SB 193, introduced bill, be amended as follows:
1. Title, page 1, line 5.
Strike: "EXPANDING"
Insert: "MODIFYING"

2. Title, page 1, line 6.
Following: "INCLUDE"
Strike: "BEHAVIOR ANALYSTS"
Insert: "A BEHAVIOR ANALYST"

3. Page 1, line 15.
Strike: "eight"
Insert: "six"

4. Page 1, line 17 through line 18.
Strike: "two members must be behavioral analysts"
Insert: "one member must be a behavioral analyst"
Strike: "two members" on line 18
Insert: "one member"

5. Page 3, line 7 and 8.
Following: "board by rule"
Strike: ", equal to requirements set by the behavior analyst certification board"

6. Page 3, line 14 and 15.

Following: "board by rule"
Strike: ", equal to requirements set by the behavior analyst certification board"

7. Page 4, line 7 through line 8.
Following: "supervised by" on line 7
Strike: ":" on line 7 through "(a)" on line 8

8. Page 4, line 8 through line 10.
Strike: "; or" on line 8 through "analysis" on line 10

9. Page 4, line 12.
Following: "**Rulemaking.**"
Insert: "(1)"

10. Page 4, line 16.
Following: line 15
Insert: "(2) The board shall adopt license fees for behavior analysts and assistant behavior analysts that adequately fund the costs of implementing [sections 2 through 7]."

And, as amended, do pass.

SB 245, do pass.

FINANCE AND CLAIMS (Jones, Chair): 2/24/2017
SB 126, do pass.
SB 279, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 2/24/2017
SR 16, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Hinkle moved that **SB 201** be taken from the Energy and Telecommunications Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Boland, Cohenour, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Smith C, Smith F, Thomas, Whitford, Wolken, Mr.President.
Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fitzpatrick, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 271 - Senator Thomas moved **SB 271** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 31

Nays: Barrett, Boland, Cohenour, Facey, Gross, Kary, MacDonald, Malek, McClafferty,

Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 - Senator Gross moved **SB 319** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 38

Nays: Brown, Hinebauch, Howard, Kary, Lang, Moore, Osmundson, Smith C, Swandal, Vance, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 - Senator R. Webb moved **SB 272** do pass.

SB 272 - Senator R. Webb moved **SB 272**, second reading copy, be amended as follows:
1. Page 3, line 25.
Strike: "as defined in 21 CFR 880.6760"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Hinebauch, Smith F, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 281 - Senator Vincent moved **SB 281** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 42

Nays: Cohenour, Facey, MacDonald, Malek, Pomnichowski, Sands, Smith F, Wolken.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 - Senator Moore moved **SB 289** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294 - Senator Fitzpatrick moved **SB 294** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Salomon.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 295 - Senator Fielder moved **SB 295** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 309 - Senator Whitford moved **SB 309** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 27

Nays: Blasdel, Brown, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 311 - Senator Buttrey moved **SB 311** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314 - Senator Vincent moved **SB 314** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier,

Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Boland, Caferro, Cohenour, MacDonald, McClafferty, Pomnichowski.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 315 - Senator Vincent moved **SB 315** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 318 - Senator Boland moved **SB 318** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - Senator Hoven moved **SB 325** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Fielder, Hinkle, Howard, Kary, Keenan, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 197 - Senator Gauthier moved **SB 197** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 230 - Senator MacDonald moved **SB 230** do pass. Motion **failed** as follows:

Yeas: Barrett, Boland, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty,

McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 230 - Majority Leader Thomas moved **SB 230** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Barrett, Boland, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Whitford.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 10 - Senator Lang moved **SJ 10** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 41

Nays: Barrett, Cohenour, Gross, MacDonald, Malek, Phillips, Pomnichowski, Small, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 13 - Senator Facey moved **SJ 13** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Howard, Webb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 16 - Senator Caferro moved **SJ 16** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

President Sales assumed the chair.

SJ 19 - Senator Phillips moved **SJ 19** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 8 - Senator Phillips moved **SJ 8** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Gross, MacDonald.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate recess for a brief period to prepare for third reading. Motion carried. Senate recessed at 3:35 p.m.

Senate reconvened at 4:13 p.m., President Sales presiding.

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

MOTIONS

Majority Leader Thomas moved the Senate **suspend rules** S40-40 and S50-190 to allow bills and resolutions which pass second reading this date to be placed on third reading this same date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 168 - Senator Malek moved **SB 168** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 279 - Senator Vincent moved **SB 279** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 247 - Senator Phillips moved **SB 247** do pass. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 247 - Majority Leader Thomas moved **SB 247** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross,

Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 39

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Malek, McClafferty, McNally, Phillips, Pomnichowski, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 44 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 115 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Whitford, Wolken.

Total 37

Nays: Brown, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Smith C, Swandal, Thomas, Vance, Webb, Welborn, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 214 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 44

Nays: Hinebauch, Lang, Olszewski, Pomnichowski, Tempel, Welborn.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 240 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 270 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.

Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Welborn, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 274 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 278 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 284 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 287 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 297 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 303 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 37

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Thomas, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 306 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 18 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 42

Nays: Fielder, Hinebauch, Howard, Regier, Richmond, Vance, Webb, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 145 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.
Total 39

Nays: Boland, Facey, Gross, Hinebauch, MacDonald, Pomnichowski, Sands, Sesso, Vincent, Whitford, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 174 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 197 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 43

Nays: Caferro, Gross, Malek, McClafferty, Pomnichowski, Whitford, Wolken.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 229 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 233 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 249 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Thomas.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 260 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour, MacDonald.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 32

Nays: Barrett, Boland, Cohenour, Facey, Gross, Kary, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 281 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb,

Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Cohenour, Facey, MacDonald, Pomnichowski, Smith F.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 295 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: Malek, Whitford.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 309 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

Total 27

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 311 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Boland, Caferro, Cohenour, MacDonald, McClafferty, Pomnichowski.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 315 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 318 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.

Total 38

Nays: Brown, Hinebauch, Howard, Kary, Lang, Moore, Osmundson, Smith C, Swandal, Vance, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 321 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 43

Nays: Fielder, Hinkle, Howard, Keenan, Thomas, Welborn, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 8 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 10 passed as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 39

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, Phillips, Pomnichowski, Sands, Small, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 13 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 47

Nays: Howard, Webb, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 16 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 19 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 168 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 279 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Minority Leader Sesso, Majority Leader Thomas, and President Sales addressed the Senate with remarks about the first half of the session.

Majority Leader Thomas moved the Senate adjourn until 5:00 p.m., Monday, March 6, the 46th

legislative day. Motion carried.

Senate adjourned at 5:01 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 25, 2017

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
65TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 27, 2017

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
65TH LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 28, 2017

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
65TH LEGISLATURE
FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 1, 2017

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
65TH LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 6, 2017 — State Capitol

Senate convened at 5:00 p.m. President Sales presiding. Invocation by Senator C. Smith. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Fielder, Jones, Vuckovich and Webb, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/6/2017
Delivered to the Governor at 4:18 p.m., March 6, 2017: **SB 50**.
Missed deadline for general bill transmittal: **SB 1**, **SB 14**, **SB 18**, **SB 23**, **SB 31**, **SB 34**, **SB 35**, **SB 47**, **SB 61**, **SB 66**, **SB 74**, **SB 75**, **SB 80**, **SB 87**, **SB 88**, **SB 98**, **SB 106**, **SB 109**, **SB 110**, **SB 114**, **SB 122**, **SB 130**, **SB 134**, **SB 136**, **SB 146**, **SB 148**, **SB 162**, **SB 186**, **SB 188**, **SB 194**, **SB 201**, **SB 202**, **SB 203**, **SB 204**, **SB 210**, **SB 211**, **SB 217**, **SB 220**, **SB 221**, **SB 223**, **SB 225**, **SB 230**, **SB 237**, **SB 246**, **SB 247**, **SB 256**, **SB 257**, **SB 259**, **SB 262**, **SB 263**, **SB 265**, **SB 266**, **SB 267**, **SB 269**, **SB 273**, **SB 277**, **SB 290**, **SB 296**, **SB 308**, **SB 313**, **SB 316**, **SB 320**, **SB 323**, **SB 326**, **SJ 7**, **SJ 12**, **SJ 14**, **SJ 17**.

Senator Blasdel introduced the Pages for the week:

Megan Ogle from White Sulphur Springs, sponsored by Senator Hoven
Dylan Haggart from Missoula, sponsored by Senator Facey
Andrea Miller from Billings, sponsored by Senator Kary
Lane Bradley from Colstrip, sponsored by Senator Ankney
Kacee Dewitt from Missoula, sponsored by Senator Thomas
Olivia Burk from Wibaux, sponsored by Senator Hinebauch
Kyler Maharg from Helena, sponsored by Senator Gauthier

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/24/2017

HB 137, introduced by M. Funk
HB 407, introduced by A. Hertz
HB 455, introduced by F. Mandeville
HB 456, introduced by F. Mandeville
HB 470, introduced by L. Sheldon-Galloway
HB 474, introduced by R. Shaw
HB 482, introduced by J. Eck
HB 492, introduced by D. Hayman

HB 507, introduced by F. Mandeville
HB 510, introduced by A. Hertz

House bills passed and transmitted to the Senate for concurrence: 2/25/2017

HB 70, introduced by J. Karjala
HB 142, introduced by L. Bishop
HB 338, introduced by C. Knudsen
HB 345, introduced by G. Custer
HB 387, introduced by K. Wagoner
HB 406, introduced by G. Hertz
HB 415, introduced by S. Morigeau
HB 416, introduced by E. Greef
HB 421, introduced by R. Brodehl

House bills passed and transmitted to the Senate for concurrence: 2/27/2017

HB 324, introduced by B. Hamlett
HB 358, introduced by M. Noland
HB 372, introduced by A. Doane
HB 376, introduced by J. Windy Boy
HB 386, introduced by R. Ehli
HB 389, introduced by K. Wagoner
HB 447, introduced by R. Fitzgerald
HB 496, introduced by V. Ricci
HB 501, introduced by A. Knudsen
HB 516, introduced by K. Dudik
HB 520, introduced by R. Fitzgerald
HB 521, introduced by J. Essmann
HB 523, introduced by C. Knudsen
HB 531, introduced by S. Morigeau
HB 541, introduced by A. Hertz

House bills passed and transmitted to the Senate for concurrence: 3/1/2017

HB 97, introduced by D. Loge
HB 123, introduced by A. Curtis
HB 298, introduced by E. Greef
HB 351, introduced by K. Dudik
HB 352, introduced by G. Hertz
HB 368, introduced by W. Sales
HB 388, introduced by G. Hertz
HB 400, introduced by G. Hertz
HB 401, introduced by D. Skees

HB 402, introduced by J. Essmann
HB 422, introduced by R. Cook
HB 424, introduced by Z. Brown
HB 426, introduced by J. Price
HB 448, introduced by R. Fitzgerald
HB 449, introduced by W. Galt
HB 458, introduced by K. Wagoner
HB 459, introduced by W. Curdy
HB 469, introduced by L. Sheldon-Galloway
HB 471, introduced by K. Flynn
HB 475, introduced by T. Woods
HB 476, introduced by D. Hayman
HB 481, introduced by B. Brown
HB 485, introduced by T. Manzella
HB 487, introduced by M. Funk
HB 491, introduced by V. Court
HB 495, introduced by M. Dunwell
HB 498, introduced by J. Knokey
HB 509, introduced by J. Patelis
HB 514, introduced by B. Smith
HB 517, introduced by K. Dudik
HB 533, introduced by V. Court
HB 537, introduced by W. Curdy
HB 555, introduced by N. Ballance

House joint resolutions passed and transmitted to the Senate for concurrence: 3/1/2017

HJ 9, introduced by K. White
HJ 12, introduced by A. Olsen
HJ 15, introduced by S. Gunderson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills, previously introduced, were referred to committees:

SB 330, introduced by C. Vincent, referred to Local Government.
SB 331, introduced by M. Phillips, D. Barrett, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 332, introduced by D. Brown, referred to Highways and Transportation.
SB 333, introduced by M. Caferro, Z. Brown, A. Hertz, B. Smith, S. Stewart-Peregoy, F. Thomas, D. Zolnikov, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 70, introduced by J. Karjala (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Judiciary.
HB 97, introduced by D. Loge (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 123, introduced by A. Curtis (by request of the State Auditor), referred to Public Health, Welfare and Safety.
HB 137, introduced by M. Funk (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 142, introduced by L. Bishop (by request of the State Auditor), referred to Public Health, Welfare and Safety.
HB 298, introduced by E. Greef, referred to Education and Cultural Resources.
HB 324, introduced by B. Hamlett, B. Brown, P. Connell, A. Hertz, G. Hertz, T. Jacobson, J. Keane, M. Lang, J. Price, D. Salomon, B. Smith, S. Stewart-Peregoy, F. Thomas, B. Usher, C. Vincent, G. Vuckovich, K. White, referred to Fish and Game.
HB 338, introduced by C. Knudsen, S. Berglee, Z. Brown, A. Doane, K. Flynn, W. Galt, B. Hoven, S. Lavin, T. Manzella, D. Mortensen, A. Redfield, W. Sales, B. Usher, referred to Agriculture, Livestock and Irrigation.
HB 345, introduced by G. Custer, referred to Agriculture, Livestock and Irrigation.
HB 351, introduced by K. Dudik, referred to Judiciary.
HB 352, introduced by G. Hertz, K. Wagoner, referred to Agriculture, Livestock and Irrigation.
HB 358, introduced by M. Noland, referred to Business, Labor, and Economic Affairs.
HB 368, introduced by W. Sales, B. Harris, K. Holmlund, F. Moore, referred to Natural Resources.
HB 372, introduced by A. Doane, Anderson, referred to Education and Cultural Resources.
HB 376, introduced by J. Windy Boy, D. Ankney, N. Ballance, S. Berglee, M. Blasdel, B. Brown, D. Brown, E. Buttrey, P. Connell, M. Cuffe, A. Doane, R. Ehli, C. Glimm, E. Greef, B. Harris, G. Hertz, J. Hinkle, D. Jones, D. Kary, B. Keenan, G. Kipp, J. Knokey, A. Knudsen, D. Lenz, D. Loge, T. Manzella, W. McKamey, F. Moore, D. Mortensen, M. Noland, A. Redfield, V. Ricci, A. Rosendale, D. Salomon, R. Shaw, D. Skees, J. Small, C. Smith, S. Staffanson, S. Stewart-Peregoy, N. Swandal, F. Thomas, B. Tschida, G. Vance, G. Vuckovich, K. Wagoner, R. Webb, T. Welch, K. White, D. Zolnikov, referred to Education and Cultural Resources.
HB 386, introduced by R. Ehli, referred to Public Health, Welfare and Safety.
HB 387, introduced by K. Wagoner, E. McClafferty, referred to Public Health, Welfare and Safety.
HB 388, introduced by G. Hertz, referred to State Administration.
HB 389, introduced by K. Wagoner, referred to Public Health, Welfare and Safety.
HB 400, introduced by G. Hertz, E. Buttrey, A. Curtis, C. Smith, T. Woods, referred to Public Health, Welfare and Safety.
HB 401, introduced by D. Skees, J. O'Hara, B. Tschida, K. Wagoner, referred to State Administration.
HB 402, introduced by J. Essmann, referred to Business, Labor, and Economic Affairs.
HB 406, introduced by G. Hertz, Galt, Harris, D. Jones, Lavin, Manzella, Mortensen, Ricci, Skees, Staffanson, and Tschida, referred to State Administration.
HB 407, introduced by A. Hertz, B. Keenan, referred to Local Government.
HB 415, introduced by S. Morigeau, D. Bartel, J. Eck, G. Hertz, M. Hopkins, C. Knudsen, S. Lavin,

Z. Perry, G. Pierson, A. Redfield, T. Richmond, D. Salomon, S. Stewart-Peregoy, D. Zolnikov, Whitford, referred to Highways and Transportation.
HB 416, introduced by E. Greef, referred to Local Government.
HB 421, introduced by R. Brodehl, referred to Education and Cultural Resources.
HB 422, introduced by R. Cook, L. Jones, referred to Local Government.
HB 424, introduced by Z. Brown, J. Pomnichowski, C. Vincent, referred to Natural Resources.
HB 426, introduced by J. Price, referred to Judiciary.
HB 447, introduced by R. Fitzgerald, referred to State Administration.
HB 448, introduced by R. Fitzgerald, referred to State Administration.
HB 449, introduced by W. Galt, R. Cook, referred to Business, Labor, and Economic Affairs.
HB 455, introduced by F. Mandeville, M. Blasdel, referred to Local Government.
HB 456, introduced by F. Mandeville, M. Blasdel, referred to Local Government.
HB 458, introduced by K. Wagoner, referred to Public Health, Welfare and Safety.
HB 459, introduced by W. Curdy, referred to Highways and Transportation.
HB 469, introduced by L. Sheldon-Galloway, referred to Public Health, Welfare and Safety.
HB 470, introduced by L. Sheldon-Galloway, referred to Business, Labor, and Economic Affairs.
HB 471, introduced by K. Flynn, referred to Highways and Transportation.
HB 474, introduced by R. Shaw, J. Keane, C. Knudsen, R. Lynch, referred to Business, Labor, and Economic Affairs.
HB 475, introduced by T. Woods, referred to Energy and Telecommunications.
HB 476, introduced by D. Hayman, referred to Public Health, Welfare and Safety.
HB 481, introduced by B. Brown, D. Mortensen, referred to Natural Resources.
HB 482, introduced by J. Eck, referred to Judiciary.
HB 485, introduced by T. Manzella, D. Skees, referred to Highways and Transportation.
HB 487, introduced by M. Funk, G. Pierson, F. Thomas, referred to Public Health, Welfare and Safety.
HB 491, introduced by V. Court, K. Abbott, J. Bachmeier, B. Bennett, L. Bishop, Z. Brown, P. Connell, R. Cook, W. Curdy, A. Curtis, K. Dudik, M. Dunwell, J. Eck, J. Ellis, D. Fern, S. Fitzpatrick, J. Fleming, M. Funk, J. Hamilton, B. Hamlett, D. Hayman, T. Jacobson, J. Karjala, K. Kelker, G. Kipp, J. Knokey, S. Lavin, D. Loge, R. Lynch, K. McCarthy, N. McConnell, S. Morigeau, A. Olsen, J. Patelis, R. Peppers, Z. Perry, G. Pierson, T. Richmond, M. Ryan, W. Sales, D. Salomon, C. Schreiner, R. Shaw, B. Smith, S. Stewart-Peregoy, K. Swanson, S. Webber, J. Welborn, J. Windy Boy, C. Wolken, T. Woods, referred to Fish and Game.
HB 492, introduced by D. Hayman, referred to Local Government.
HB 495, introduced by M. Dunwell, R. Ehli, referred to Public Health, Welfare and Safety.
HB 496, introduced by V. Ricci, D. Brown, referred to Business, Labor, and Economic Affairs.
HB 498, introduced by J. Knokey, F. Anderson, S. Berglee, M. Blasdel, B. Brown, Z. Brown, J. Cohenour, F. Garner, J. Hinkle, T. Jacobson, S. Lavin, R. Lynch, N. McConnell, A. Olszewski, J. Patelis, Z. Perry, T. Richmond, J. Trebas, B. Tschida, referred to Natural Resources.
HB 501, introduced by A. Knudsen, N. Ballance, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, A. Doane, R. Ehli, D. Fern, K. Flynn, W. Galt, F. Garner, C. Glimm, G. Hertz, L. Jones, B. Keenan, S. Lavin, D. Lenz, F. Mandeville, W. McKamey, M. Noland, R. Osmundson, A. Redfield, D. Skees, C. Smith, F. Thomas, G. Vance, referred to State Administration.
HB 507, introduced by F. Mandeville, A. Knudsen, referred to Local Government.

HB 509, introduced by J. Patelis, F. Garner, referred to Highways and Transportation.
HB 510, introduced by A. Hertz, referred to Local Government.
HB 516, introduced by K. Dudik, D. Ankney, T. Jacobson, T. Richmond, B. Tschida, A. Hertz, referred to Taxation.
HB 517, introduced by K. Dudik, B. Bennett, B. Harris, W. McKamey, D. Sands, N. Swandal, referred to Public Health, Welfare and Safety.
HB 520, introduced by R. Fitzgerald, J. Pomnichowski, referred to Local Government.
HB 521, introduced by J. Essmann, J. Pomnichowski, referred to Judiciary.
HB 523, introduced by C. Knudsen, R. Ehli, W. Galt, B. Hamlett, B. Harris, A. Hertz, E. Hill Smith, A. Knudsen, T. Manzella, W. McKamey, D. Mortensen, J. O'Hara, J. Patelis, A. Redfield, A. Rosendale, W. Sales, R. Shaw, R. Tempel, K. White, referred to Agriculture, Livestock and Irrigation.
HB 531, introduced by S. Morigeau, S. Fitzpatrick, J. Fleming, A. Hertz, G. Hertz, J. Keane, C. Knudsen, R. Lynch, J. Trebas, referred to Business, Labor, and Economic Affairs.
HB 533, introduced by V. Court, D. Bartel, R. Brodehl, D. Brown, T. Burnett, T. Gauthier, K. Holmlund, N. Swandal, referred to State Administration.
HB 537, introduced by W. Curdy, referred to Judiciary.
HB 541, introduced by A. Hertz, E. Hill Smith, referred to Business, Labor, and Economic Affairs.
HB 555, introduced by N. Ballance, referred to Natural Resources.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 9, introduced by K. White, C. Vincent, referred to Natural Resources.
HJ 12, introduced by A. Olsen, referred to State Administration.
HJ 15, introduced by S. Gunderson, F. Anderson, D. Ankney, N. Ballance, D. Bartel, B. Beard, S. Berglee, R. Brodehl, B. Brown, D. Brown, Z. Brown, J. Cohenour, P. Connell, R. Cook, M. Cuffe, G. Custer, A. Doane, R. Ehli, J. Essmann, R. Fitzgerald, S. Fitzpatrick, J. Fleming, K. Flynn, W. Galt, F. Garner, C. Glimm, E. Greef, B. Grubbs, S. Gunderson, B. Hamlett, B. Harris, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, M. Hopkins, D. Jones, D. Kary, J. Keane, J. Knokey, A. Knudsen, C. Knudsen, M. Lang, S. Lavin, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, D. Mortensen, M. Noland, J. O'Hara, J. Patelis, G. Pierson, A. Redfield, K. Regier, M. Regier, V. Ricci, T. Richmond, A. Rosendale, W. Sales, C. Schreiner, R. Shaw, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, S. Staffanson, S. Stewart-Peregoy, J. Trebas, B. Tschida, B. Usher, G. Vance, S. Vinton, G. Vuckovich, K. Wagoner, P. Webb, R. Webb, T. Welch, K. White, D. Zolnikov, referred to Fish and Game.

The following House bill was introduced and read first time:

HB 514, introduced by B. Smith.

MOTIONS

Majority Leader Thomas moved that **HB 3** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, March 7, 2017., the forty-seventh legislative day. Motion carried.

Senate adjourned at 5:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 7, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Malek. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Keenan excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/7/2017
Signed by the Speaker at 11:10 a.m., February 25, 2017: **SB 85**, **SB 131**.
Delivered to the Governor at 11:05 a.m., March 7, 2017: **SB 131**.

MESSAGES FROM THE GOVERNOR

March 3, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Hard-Rock Mining Impact Board
MCA 2-15-1822

! Kay Clevidence, Farmers State Bank, PO Box 190, Victor, MT 59875, was appointed to serve a term starting March 3, 2017 and ending January 1, 2021. Clevidence fulfills the qualifications of Representative of a Major Financial Institution, District 1, on the board.

! Joe Michaletz, Geo-Lex LLC, 925 Euclid Ave, Helena, MT 59624, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Michaletz fulfills the qualifications of Representative of the Hard-Rock Mining Industry, on the board.

! Tim Warner, 796 Stonegate Drive, Bozeman, MT 59715, was appointed to serve a term starting March 3, 2017 and ending January 1, 2021. Warner fulfills the qualifications of Public At-Large, District 1, on the board.

Public Safety Officers Standards and Training (POST) Council
MCA 44-4-402

! Kimberly Burdick, 914 River Street, Fort Benton, MT 59442, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Burdick fulfills the qualifications of Montana citizen at-large who is informed and experienced in the subject of law enforcement, on the council.

! Sheriff Leo Dutton, Lewis and Clark County Sheriff, 221 Breckenridge, Helena, MT 59601, was appointed to serve a term starting March 3, 2017 and ending January 1, 2021. Dutton fulfills the qualifications of Board of Crime Control Member, on the council.

! Sheriff Tony Harbaugh, Custer County Sheriff, 1010 Main Street, Miles City, MT 59301, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Harbaugh fulfills the qualifications of Sheriff and serves as Chair, on the council.

! Lt. Tim Neiter, 3165 King Ave East, Billings, MT 59101, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Neiter fulfills the qualifications of Detention Center Administrator or Detention Officer, on the council.

! Lewis Smith, 409 Missouri Ave, Room 301, Deer Lodge, MT 59722, was appointed to serve a term starting March 3, 2017 and ending January 1, 2019. Smith fulfills the qualifications of County Attorney, on the council.

! John Strandell, 2210 Alpine Drive, Helena, MT 59620, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Strandell fulfills the qualifications of State Government Law Enforcement Representative, on the council.

! Jim Thomas, PO Box 503, Canyon Creek, MT 59633, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Thomas fulfills the qualifications of Montana citizen at-large who is informed and experienced in the subject of law enforcement, on the council.

Board of Regents of Higher Education
MCA 2-15-1508

! Bill Johnstone, DA Davidson, 117 Village Downtown Blvd, Bozeman, MT 59715, was reappointed to serve a term starting March 3, 2017 and ending February 1, 2024. Johnstone fulfills the qualifications of District 1, Democrat on the board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process.

Thank you.

Sincerely,

STEVE BULLOCK
Governor

March 6, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointment for confirmation.

! Department of Agriculture, Director, **Mr. Benjamin Thomas,** Montana Department of Agriculture, 302 N Roberts, Helena, MT 59601, appointed effective January 30, 2017.

If you need additional information, please call Stacey Otterstrom, Boards and Appointments Advisor at extension 4405.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 334, introduced by F. Moore, referred to Highways and Transportation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 47, introduced by D. Salomon, referred to Education and Cultural Resources.

The following House bills, previously introduced, were referred to committees:

HB 168, introduced by Z. Brown, D. Mortensen, N. Swandal, referred to Judiciary.

HB 344, introduced by G. Custer, referred to Natural Resources.
HB 364, introduced by D. Loge, R. Cook, R. Fitzgerald, B. Grubbs, W. McKamey, W. Sales, D. Skees, S. Staffanson, J. Trebas, B. Usher, P. Webb, R. Webb, referred to Public Health, Welfare and Safety.
HB 393, introduced by D. Zolnikov, E. Buttrey, A. Curtis, T. Facey, V. Ricci, C. Schreiner, J. Small, F. Smith, J. Trebas, B. Usher, referred to Business, Labor, and Economic Affairs.
HB 494, introduced by S. Berglee, F. Anderson, M. Blasdel, R. Brodehl, C. Knudsen, S. Lavin, D. Mortensen, D. Skees, K. Wagoner, D. Zolnikov, referred to Judiciary.
HB 500, introduced by A. Hertz, G. Hertz, referred to Business, Labor, and Economic Affairs.

Senator Keenan joined the Senate at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 146 - Conference Committee Report - Senator Buttrey moved consideration of **HB 146 - Conference Committee Report** be passed for the day. Without objection, so ordered.

SB 193 - Senator Thomas moved consideration of **SB 193** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 195 - Senator Connell moved **SB 195** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 37

Nays: Blasdel, Brown, Caferro, Fielder, Hinkle, Howard, Kary, Lang, Moore, Olszewski, Smith C, Vance, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 167 - Senator Vincent moved **SB 167** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 245 - Senator Salomon moved **SB 245** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinkle, Howard.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 7 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 7**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 24 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 24**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 30 - Senator Hoven moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 30**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SR 34 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 34**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Keenan, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 46 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 46**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 193 - Senator Ankney moved **SB 193** do pass.

SB 193 - Senator Ankney moved **SB 193**, second reading copy, be amended as follows:

1. Page 4, line 8.

Following: "~~:~~"
Insert: ":"

2. Page 4, line 9.
Following: "~~(a)~~"
Insert: "(a)"
Following: "~~; or~~"
Insert: "; or (b) a licensed psychologist certified by the American board of professional psychology in behavioral and cognitive psychology"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 193 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 8, 2017, the forty-eighth legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 8, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Webb. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/8/2017
Correctly printed: **SB 167**, **SB 195**, **SB 245**, **SB 330**, **SB 331**, **SB 332**, **SB 333**, **SB 334**, **SR 47**.
Correctly engrossed: **SB 193**.
Correctly enrolled: **SR 7**, **SR 24**, **SR 30**, **SR 34**, **SR 46**.
Examined by the sponsor and found to be correct: **SR 7**, **SR 24**, **SR 30**, **SR 34**, **SR 46**.
Delivered to the Secretary of State at 8:30 a.m., March 8, 2017: **SB 85**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 3/7/2017
SB 285, introduced bill, be amended as follows:

1. Page 1, line 25 through line 26.
Strike: "The U.S.A." on line 25 through "federation" on line 26
Insert: "Agricultural groups with an interest in the production and marketing of pulses"

And, as amended, do pass.

HB 131, be amended as follows:

1. Title, page 1, line 7.
Following: "80-10-101,"
Insert: "80-10-103,"

2. Page 6.
Following: line 2
Insert: "Section 5. Section 80-10-103, MCA, is amended to read:
"80-10-103. Assessment to fund educational and experimental programs -- collection. Money to fund 80-10-104 through 80-10-106 must be produced by an assessment of 75 cents per ton of fertilizer manufactured in or distributed into Montana <u>for final sale</u>. Collections must be made in accordance with procedures in 80-10-207 and payment is the responsibility of the in-state manufacturer or of the supplier if the fertilizer is not manufactured in Montana.""
Renumber: subsequent sections

3. Page 9, line 4.
Following: the first "manufacturers"
Insert: ", sales by distributors for final sale out of state,"

4. Page 9, line 22.
Following: "manufacturers"
Insert: ", sales by distributors for final sale out of state,"
Strike: "them"
Insert: "manufacturers"

5. Page 9, line 25 through page 10, line 2.
Strike: "(i) Each" on page 9, line 25 through "(ii)" on page 10, line 2

6. Page 10, line 10.
Strike: "(3)(a)(ii)"
Insert: "(3)(a)"

And, as amended, be concurred in.

HB 256, be amended as follows:

1. Page 2, line 5.
Following: "~~apart~~"
Insert: "not more than"

And, as amended, be concurred in.

HB 286, be concurred in.
HB 305, be concurred in.
HB 377, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/8/2017
SB 254, do pass.
HB 346, be concurred in.
HB 347, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/7/2017
SB 196, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "SECTION"
Insert: "SECTIONS 61-8-301,"
Following: "61-8-314,"
Insert: "AND 61-8-370,"

2. Page 1, following line 8.
Insert: "Section 1. Section 61-8-301, MCA, is amended to read:

"61-8-301. Reckless driving -- reckless endangerment of highway worker. (1) A person commits the offense of reckless driving if the person:

(a) operates a vehicle in willful or wanton disregard for the safety of persons or property; or

(b) operates a vehicle in willful or wanton disregard for the safety of persons or property while passing, in either direction, a school bus that has stopped and is displaying the visual flashing red signal, as provided in 61-8-351 and 61-9-402. This subsection (1)(b) does not apply to situations described in 61-8-351(6).

(2) A municipality may enact and enforce 61-8-715 and subsection (1) of this section as an ordinance.

(3) A person who is convicted of the offense of reckless driving or of reckless endangerment of a highway worker is subject to the penalties provided in 61-8-715.

(4) (a) A person commits the offense of reckless endangerment of a highway worker if the person purposely, knowingly, or negligently drives a motor vehicle in a highway ~~construction~~ work zone in a manner that endangers persons or property or if the person purposely removes, ignores, or intentionally strikes an official traffic control device in a ~~construction~~ work zone for reasons other than:

(i) avoidance of an obstacle;

(ii) an emergency; or

(iii) to protect the health and safety of an occupant of the vehicle or of another person.

(b) As used in this section:

(i) ~~"construction zone" has the same meaning as is provided in 61-8-314; and~~

~~(ii)~~ "highway worker" means an employee of the department of transportation, a local authority, a utility company, or a private contractor; and

(ii) "work zone" has the meaning provided in 61-8-314.""

Renumber: subsequent sections

3. Page 1, line 13 through line 16.
Following: "(a)"
Strike: ""Construction zone" means" on line 13 through "a work zone." on line 16
Insert: ""Highway worker" has the same meaning as in 61-8-301."

4. Page 1, line 18 through line 19.
Following: "means"
Strike: "the area where" on line 18 through "taking place" on line 19
Insert: "an area on a public highway or on the adjacent right-of-way where construction, repair, maintenance, or survey work is being performed by the department of transportation, a local authority, a utility company, or a private contractor with the department of transportation or with a local authority"

5. Page 1, line 20.
Strike: "in a construction zone or"

6. Page 1, line 22.
Strike: "in a construction zone or"

7. Page 1, line 27.
Strike: "or construction zones"

8. Page 1, line 30.
Strike: "the construction zone and"

9. Page 2, line 1.
Strike: "both zones"
Insert: "the work zone"

10. Page 2, line 3.
Strike: "construction"
Insert: "work"

11. Page 2, line 9.
Following: "(5)"
Strike: "(a)"

12. Page 2, line 11.
Strike: "(i)"
Insert: "(a)"
Following: "if a"
Insert: "highway"
Following: "at the time"
Insert: "and place"

13. Page 2, line 13.
Strike: "(ii)"
Insert: "(b)"
Following: "if no"
Insert: "highway"
Following: "at the time"
Insert: "and place"

14. Page 2, line 15 through line 16.
Strike: subsection (b) in its entirety

15. Page 2, following line 16.
Insert: "Section 3. Section 61-8-370, MCA, is amended to read:

"61-8-370. Securing of load -- requirement -- exemptions. (1) A person operating a loaded vehicle on a public highway shall load the vehicle or secure the load sufficiently to prevent littering or creating an obstruction dangerous to the public traveling on the highway.

(2) The following vehicles are exempt from the provisions in subsection (1):

(a) a commercial motor vehicle that is operating in compliance with state and federal laws and requirements governing the securing of loads;

(b) a vehicle transporting processed or unprocessed agricultural products or inputs, including but not limited to fertilizer, manure, and pesticides;

(c) a vehicle performing road maintenance; and

(d) a vehicle in a marked ~~construction~~ work zone.""

And, as amended, do pass.

HB 267, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 3/8/2017
SB 180, do pass.

JUDICIARY (Regier, Chair): 3/7/2017
HB 64, be concurred in.
HB 148, be amended as follows:

1. Page 2, line 14.
Following: "**warrant**"
Insert: "or investigative subpoena"

2. Page 2, line 16 through line 19.
Following: "to a" on line 16
Insert: "search"
Following: "court" on line 16
Strike: remainder of line 16 through "searched" on line 19
Insert: "under Title 46, chapter 5, part 2, or an investigative subpoena issued under Title 46, chapter 4, part 3"

3. Page 3, line 18.
Strike: "subsections"
Insert: "subsection"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 1, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales

On Wednesday, March 1, 2017, I signed the following bills:

SB 3 - D. Kary
SB 16 - L. Jones
SB 39 - T. Richmond
SB 52 - Cohenour

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 48, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 49, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 25, House amendments - Senator Blasdel moved consideration of House amendments to **SB 25** be passed for the day. Without objection, so ordered.

SB 154 - Senator Lang moved **SB 154** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Thomas, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

HB 304 - Senator Osmundson moved **HB 304** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 170 - Senator Hinebauch moved **SB 170** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sands, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, Howard, MacDonald, McClafferty, McNally, Pomnichowski, Salomon, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.

Total 19

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 251 - Senator Facey moved **SB 251** do pass.

SB 251 - Senator Facey moved **SB 251**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "CLARIFYING" on line 5 through "ACT;" on line 6

2. Title, page 1, line 9.
Strike: "7-1-111,"
Following: "15-65-101"
Strike: ","

3. Page 1, line 14 through page 3, line 5.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 4, line 29.
Strike: "2"
Insert: "1"
Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SB 251 - Bill, as amended passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 37

Nays: Blasdel, Hinkle, Hoven, Howard, Kary, Keenan, Pomnichowski, Regier, Smith C, Vincent, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SR 27 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 27**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SR 28 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed in accordance with **SR 28**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

SR 37 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 37**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Lang.
Total 1

Absent or not voting: None.
Total 0

Excused: Fielder.
Total 1

Senator Swandal excused at this time.

SB 218 - Senator Blasdel moved **SB 218** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Barrett, Boland, Brown, Cohenour, Gross, Pomnichowski, Smith F, Vincent, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: Fielder, Swandal.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Swandal.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 167 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Swandal.
Total 2

SB 195 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Hinebauch, Hinkle, Howard, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: Fielder, Swandal.
Total 2

SB 245 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Swandal.
Total 2

MOTIONS

Majority Leader Thomas moved that **HB 487** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Education and Cultural Resources Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 333** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the State Administration Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Sales announced that U.S. Secretary of the Interior Ryan Zinke would be addressing the Montana Senate and House of Representatives next Monday at 1:00 p.m.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 9, 2017, the forty-ninth legislative day. Motion carried.

Senate adjourned at 2:17 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 9, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Blasdel. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/9/2017
Correctly printed: **SB 154**, **SB 170**, **SB 180**, **SB 218**, **SB 254**, **SR 48**, **SR 49**, **HB 64**, **HB 267**, **HB 286**, **HB 304**, **HB 305**, **HB 346**, **HB 347**, **HB 377**.
Correctly engrossed: **SB 196**, **SB 251**, **SB 285**, **HB 131**, **HB 148**, **HB 256**.
Correctly enrolled: **SR 27**, **SR 28**, **SR 37**.
Transmitted to the House: **SB 167**, **SB 195**, **SB 245**.
Signed by the President at 4:28 p.m., March 8, 2017: **SR 7**, **SR 24**, **SR 30**, **SR 34**, **SR 46**.
Signed by the Secretary of the Senate at 9:55 a.m., March 9, 2017: **SR 7**, **SR 24**, **SR 30**, **SR 34**, **SR 46**.
Delivered to the Secretary of State at 11:23 a.m., March 9, 2017: **SR 7**, **SR 24**, **SR 30**, **SR 34**, **SR 46**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 3/8/2017
HB 3, be amended as follows:

1. Page 3, line 20.
Strike: "MARCH 11"
Insert: "March 22"

2. Page 5, line 20.
Strike: "$359,938"
Insert: "$459,938"

And, as amended, be concurred in.

HB 307, be amended as follows:

1. Title, Page 1, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 3, line 14.

Insert: "NEW SECTION. **Section 4. Termination.** [Section 1(3)] terminates September 30, 2025."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/9/2017
HB 45, be amended as follows:

1. Title, page 1, line 8.
Strike: "AUTOPSIES"
Insert: "POSTMORTEM EXAMINATIONS"

2. Title, page 1, line 9.
Following: "46-4-103,"
Insert: "46-4-110,"

3. Page 1, line 17.
Following: "Montana"
Insert: "and be board-certified in forensic pathology"

4. Page 1, line 23.
Strike: "pathologists"
Insert: "physicians"

5. Page 1, line 23.
Following: "Montana"
Strike: ", must"
Insert: "and"

6. Page 1, line 29 through line 30.
Strike: "have" on line 29 through "fellowship" on line 30
Insert: "be board-certified or eligible to be board-certified in forensic pathology. Board certification is required within 5 years of eligibility"

7. Page 2, line 3.
Strike: "**Autopsy**"
Insert: "**Postmortem examination**"
Following: "coroner"
Strike: "an autopsy"
Insert: "a postmortem examination"

8. Page 2, line 5.
Strike: "autopsies"
Insert: "postmortem examinations"

9. Page 2, line 7.
Strike: "an autopsy"
Insert: "a postmortem examination"

10. Page 2, line 8.
Strike: "an autopsy"
Insert: "a postmortem examination"

11. Page 2, line 10.
Strike: "an autopsy"
Insert: "a postmortem examination"

12. Page 2, line 11.
Strike: "autopsy"
Insert: "postmortem examination"

13. Page 2, line 12.
Strike: "state of Montana"
Insert: "department of justice"

14. Page 2, line 12.
Strike: "an autopsy"
Insert: "a postmortem examination"

15. Page 2, line 14.
Strike: "an autopsy"
Insert: "a postmortem examination"

16. Page 2, line 18.
Strike: "Autopsies"
Insert: "Postmortem examinations"

17. Page 2, line 21.
Following: "(6)"
Insert: "(a)"
Strike: "An autopsy"
Insert: "A postmortem examination"

18. Page 2, line 23.
Strike: "(a)"
Insert: "(i)"

19. Page 2, line 25.
Strike: "(b)"
Insert: "(ii)"

20. Page 2, line 26.
Following: line 26
Insert: "(b) If a death under subsection (6)(a) occurred while the decedent was under medical care, a state or deputy state medical examiner must be consulted and the need for further examination determined on a case-by-case basis."

21. Page 2, line 27.
Strike: "state of Montana"
Insert: "department of justice"

22. Page 2, line 27.
Strike: "autopsies"
Insert: "postmortem examinations"

23. Page 2, line 28.
Following: line 27
Insert: "Section 5. Section 46-4-110, MCA, is amended to read:

"46-4-110. Powers of coroner. In the performance of duties under this chapter, the coroner may:

(1) pronounce the fact of death of any human being under circumstances in which the coroner has a duty to inquire pursuant to 46-4-122;

(2) certify and amend death certificates as considered necessary in circumstances under which the coroner has a duty to inquire pursuant to 46-4-122;

(3) issue subpoenas pursuant to 46-4-112;

(4) order ~~autopsies~~ postmortem examinations as provided in 46-4-103;

(5) conduct examinations and tests as considered necessary to determine the cause, manner, and circumstances of death and identification of a dead human body as provided in 46-4-101 and 46-4-113;

(6) order a dead human body to be disinterred or removed from its place of disposition, with or without the consent of the next of kin, under circumstances in which the coroner has a duty to inquire pursuant to 46-4-122;

(7) conduct inquests pursuant to 46-4-201; and

(8) order cessation of any activity by any person or agency, other than the law enforcement agency having jurisdiction, that may obstruct or hinder the orderly conduct of an inquiry or the collection of information or evidence needed for an inquiry.""
Renumber: subsequent sections

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/8/2017
SR 36, be adopted.
SR 38, be adopted.
HB 95, be concurred in.
HB 163, be concurred in.
HB 173, be concurred in.

TAXATION (Blasdel, Chair): 3/9/2017
HB 175, be concurred in.
HB 209, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/8/2017

HB 17, introduced by R. Ehli
HB 225, introduced by E. Greef
HB 303, introduced by K. Kelker
HB 383, introduced by G. Custer
HB 444, introduced by R. Shaw
HB 539, introduced by R. Cook

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 335, introduced by J. Welborn, D. Ankney, P. Connell, referred to Local Government.
SB 336, introduced by G. Vance, referred to Highways and Transportation.
SB 337, introduced by D. Ankney, referred to Natural Resources.
SB 338, introduced by D. Ankney, referred to Energy and Telecommunications.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 50, introduced by K. Regier, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 17, introduced by R. Ehli (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
HB 225, introduced by E. Greef, F. Garner, referred to Highways and Transportation.
HB 303, introduced by K. Kelker, referred to Judiciary.
HB 383, introduced by G. Custer, D. Ankney, B. Beard, B. Bennett, M. Blasdel, E. Buttrey, R. Ehli, T. Facey, S. Lavin, R. Lynch, S. Malek, C. Schreiner, R. Shaw, R. Tempel, G. Vuckovich, referred to State Administration.
HB 444, introduced by R. Shaw, J. Keane, referred to Agriculture, Livestock and Irrigation.
HB 539, introduced by R. Cook, referred to Finance and Claims.

The following House bill, previously introduced, was referred to committee:

HB 514, introduced by B. Smith, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 254 - Senator Blasdel moved **SB 254** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Mr.President.
Total 40

Nays: Barrett, Boland, Facey, Gross, MacDonald, McClafferty, Pomnichowski, Sands, Vuckovich, Wolken.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 286 - Senator Olszewski moved **HB 286** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Blasdel, Boland, Cohenour, Gross, Howard, Pomnichowski.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 305 - Senator Salomon moved **HB 305** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Barrett, Boland, Cohenour, Facey, Gross, Malek, McNally, Phillips, Pomnichowski, Sands, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 346 - Senator Barrett moved **HB 346** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 347 - Senator Facey moved **HB 347** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinkle, Howard.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 377 - Senator Salomon moved **HB 377** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 146 - **Conference Committee Report No. 1** - Senator Buttrey moved the Conference Committee report to **HB 146** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour, McClafferty.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour, Phillips.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 170** be taken from the third reading this date and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 154 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty,

McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 193 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Regier, Smith C, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 218 passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Webb, Wolken, Mr.President.
Total 41

Nays: Barrett, Boland, Brown, Cohenour, Pomnichowski, Vincent, Vuckovich, Welborn, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 304 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 330** be taken from the Local Government Committee and re-referred to the Energy and Telecommunications Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 175** and **HB 209** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 10, 2017, the fiftieth legislative day. Motion carried.

Senate adjourned at 1:36 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 10, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gross. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/10/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth legislative days, find the same to be correct.

Correctly printed: **SB 232**, **SB 254**, **SB 335**, **SB 336**, **SB 337**, **SB 338**, **SR 36**, **SR 38**, **SR 50**, **SJ 9**, **HB 95**, **HB 152**, **HB 163**, **HB 173**, **HB 175**, **HB 209**, **HB 211**, **HB 213**, **HB 214**, **HB 286**, **HB 305**, **HB 346**, **HB 347**, **HB 377**.
Correctly engrossed: **SB 185**, **HB 3**, **HB 45**, **HB 73**, **HB 98**, **HB 128**, **HB 307**.
Correctly enrolled: **SB 4**, **SB 82**.
Transmitted to the House: **SB 154**, **SB 193**, **SB 218**, **HB 304**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/10/2017
HB 73, be amended as follows:

1. Page 8, line 23.
Following: "must have"
Strike: "arrangements"
Insert: "reciprocity agreements"
Following: "with"
Insert: "all"

2. Page 8, line 24.
Following: "providers in Montana"
Strike: "to the extent reasonably possible"
Insert: "with air ambulance service membership programs"

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 3/9/2017
SB 185, introduced bill, be amended as follows:

1. Page 1, line 10.
Strike: "A"
Insert: "Except for a mountain sheep taken with a license issued pursuant to 87-2-722, a"

2. Page 1, line 13.
Strike: "employee or representative"
Insert: "guide"

And, as amended, do pass.

SJ 9, do pass.
HB 98, be amended as follows:

1. Title, line 5.
Strike: "AND FUR-BEARING ANIMAL"

2. Title, line 6 through line 7.
Following: "DEFINITIONS"
Strike: "BY ADDING" on line 6 through the second "DEFINITIONS" on line 7

3. Page 1, line 24.
Following: "~~and~~"
Insert: "and"
Following: "beaver"
Strike: ", AND SPOTTED SKUNK"

4. Page 2, line 16.
Following: "weasel,"
Insert: "raccoon, red fox, badger,"

5. Page 4, line 3.
Following: "~~and~~"
Insert: "and"
Following: "beaver"
Strike: ", AND SPOTTED SKUNK"

6. Page 5, line 2.
Following: "weasel,"
Insert: "raccoon, red fox, badger,"

And, as amended, be concurred in.

HB 128, be amended as follows:

1. Title, page 1, line 6.
Following: "LICENSES;"
Insert: "REQUIRING REPORTING;"
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 24.
Following: "(b)"
Insert: "(i)"

3. Page 1, line 28.
Strike: "(4)(b)"
Insert: "(4)(b)(i)"

4. Page 1, line 30.
Following: "restricted."
Insert: "
(ii) Before September 1 of each even-numbered year, the department shall report to the environmental quality council information on:
(A) mountain sheep harvested pursuant to this subsection (4) from the Tendoy Mountain herd;
(B) efforts to collect tissue samples and other biological information from mountain sheep harvested from the Tendoy Mountain herd to determine the immunity of surviving herd members to pneumonia outbreaks; and
(C) attempts by the department to share tissue samples and other biological information collected from the Tendoy Mountain herd with Washington State University, other public entities, and private entities that research the interaction between mountain sheep and domestic sheep."

5. Page 2.
Following: line 13
Insert: "NEW SECTION. **Section 3. Termination.** [Section 1(4)(b)(ii)] terminates July 1, 2027."

And, as amended, be concurred in.

HB 211, be concurred in.
HB 214, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/9/2017
SB 232, do pass.
HB 152, be concurred in.
HB 213, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/10/2017
HB 101, be amended as follows:

1. Title, page 1, line 16 through line 17.
Strike: the second "REVISING" on line 16 through "SYSTEM;" on line 17

2. Title, page 1, line 20.
Strike: "19-7-410,"

3. Page 24, line 3 through line 9.
Strike: section 22 in its entirety
Renumber: subsequent sections

4. Page 27, line 15.
Strike: "27(1)"
Insert: "26(1)"

5. Page 27, line 22.
Strike: "27(1)"
Insert: "26(1)"

6. Page 28, line 6.
Strike: "27(1)"
Insert: "26(1)"

7. Page 31, line 5.
Strike: "33(2)"
Insert: "32(2)"

8. Page 31, line 12.
Strike: "33(2)"
Insert: "32(2)"

9. Page 31, line 29.
Strike: "33(2)"
Insert: "32(2)"

10. Page 40, line 1.
Strike: "24"
Insert: "23"

11. Page 40, line 2.
Strike: "24"
Insert: "23"

12. Page 40, line 3.
Strike: "27 and 28"
Insert: "26 and 27"

13. Page 40, line 4.
Strike: "27 and 28"
Insert: "26 and 27"

14. Page 40, line 5.
Strike: "29"
Insert: "28"

15. Page 40, line 6.
Strike: "29"
Insert: "28"

16. Page 40, line 7.
Strike: "33 and 34"
Insert: "32 and 33"

17. Page 40, line 8.
Strike: "33 and 34"
Insert: "32 and 33"

18. Page 40, line 9.
Strike: "39"
Insert: "38"

19. Page 40, line 10.
Strike: "39"
Insert: "38"

And, as amended, be concurred in.

HB 102, be concurred in.
HB 271, be concurred in.
HB 279, be concurred in.
HB 282, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/9/2017

SB 4, introduced by D. Sands
SB 82, introduced by A. Olszewski

House bills passed and transmitted to the Senate for concurrence: 3/9/2017

HB 430, introduced by A. Hertz
HB 462, introduced by F. Garner

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 339, introduced by D. Ankney, referred to Energy and Telecommunications.
SB 340, introduced by C. Smith, D. Ankney, N. Ballance, D. Bartel, B. Beard, M. Blasdel, B. Brown, D. Brown, T. Burnett, E. Buttrey, P. Connell, G. Custer, A. Doane, R. Ehli, J. Fielder, K. Flynn, W. Galt, F. Garner, T. Gauthier, C. Glimm, E. Greef, B. Harris, A. Hertz, G. Hertz, S. Hinebauch, J. Hinkle, K. Holmlund, D. Howard, D. Jones, L. Jones, D. Kary, B. Keenan, J. Knokey, A. Knudsen, M. Lang, S. Lavin, D. Loge, T. Manzella, W. McKamey, F. Moore, D. Mortensen, M. Noland, J. O'Hara, A. Olszewski, R. Osmundson, J. Patelis, A. Redfield, K. Regier, M. Regier, T. Richmond, A. Rosendale, S. Sales, D. Salomon, D. Skees, J. Small, S. Staffanson, N. Swandal, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, C. Vincent, S. Vinton, K. Wagoner, P. Webb, R. Webb, J. Welborn, K. White, D. Zolnikov, referred to Business, Labor, and Economic Affairs.
SB 341, introduced by A. Olszewski, L. Jones, R. Osmundson, referred to Finance and Claims.
SB 342, introduced by C. Vincent, referred to Natural Resources.
SB 343, introduced by J. Welborn, D. Ankney, B. Brown, D. Fern, R. Lynch, S. Malek, E. McClafferty, J. Sesso, R. Shaw, F. Thomas, referred to Taxation.

The following House bills were introduced and read first time:

HB 430, introduced by A. Hertz, M. Blasdel.
HB 462, introduced by F. Garner.

MOTIONS

Majority Leader Thomas moved that **HB 3** be taken from the second reading board and placed at the bottom of the second reading agenda this date. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 256 - Senator Lang moved **HB 256** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 285 - Senator Lang moved **SB 285** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 180 - Senator Lang moved **SB 180** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 196 - Senator Fitzpatrick moved **SB 196** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 64 - Senator MacDonald moved **HB 64** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 148 - Senator Swandal moved **HB 148** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 131 - Senator Osmundson moved **HB 131** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Wolken, Mr.President.
Total 40

Nays: Connell, Facey, Hinebauch, Keenan, Lang, Olszewski, Pomnichowski, Tempel, Welborn, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 3 - Senator Moore moved **HB 3** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Caferro, Malek.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 251 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Richmond, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 31

Nays: Blasdel, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Keenan, Lang, Olszewski, Osmundson, Pomnichowski, Regier, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb.

Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 254 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 39

Nays: Barrett, Boland, Facey, Gross, MacDonald, Malek, McNally, Pomnichowski, Sands, Smith F, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 286 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Cohenour, Gross, Howard, Pomnichowski.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 305 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Barrett, Boland, Cohenour, Facey, Gross, Malek, Phillips, Pomnichowski, Sands, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 346 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 347 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 377 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Jones.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 146, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Caferro, Cohenour, Facey, MacDonald, McClafferty.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 64**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Saturday, March 11, 2017, the fifty-first legislative day. Motion carried.

Senate adjourned at 1:48 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 11, 2017 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Hinkle. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Brown excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/11/2017
Correctly printed: **SB 180**, **SB 196**, **SB 285**, **SB 339**, **SB 340**, **SB 341**, **SB 342**, **SB 343**, **HB 3**, **HB 64**, **HB 102**, **HB 131**, **HB 148**, **HB 256**, **HB 271**, **HB 279**, **HB 282**.
Correctly engrossed: **HB 101**.
Examined by the sponsor and found to be correct: **SB 4**, **SB 82**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/10/2077
SR 35, be adopted.
SR 47, be adopted.

JUDICIARY (Regier, Chair): 3/10/2017
HB 231, be amended as follows:

1. Page 1, line 19.
Following: "~~land~~"
Insert: "or by the failure of the landowner or other authorized person to post notice denying entry onto private land"

2. Page 1, line 20 through line 22.
Strike: "If" on line 20 through line 22 in its entirety

3. Page 3, line 12.
Following: "~~residential~~"
Insert: "residential and"

4. Page 3, line 13.
Following: "REQUIRED AND"
Strike: ","

And, as amended, be concurred in.

HB 276, be concurred in.
HB 342, be concurred in.
HB 370, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/10/2017
HB 220, be concurred in.

STATE ADMINISTRATION (Kary, Vice Chair): 3/10/2017
HB 83, be amended as follows:

1. Title, page 1, line 13.
Following: "ELECTIONS;"
Insert: "CLARIFYING VOTER QUALIFICATIONS FOR WATER AND SEWER DISTRICT ELECTIONS; REVISING CERTAIN ELECTION PROVISIONS RELATED TO IRRIGATION DISTRICTS;"

2. Title, page 1, line 14.
Following: "7-6-1504,"
Insert: "7-13-2212,"

3. Title, page 1, line 15.
Strike: "AND"
Following: "20-20-204,"
Insert: "AND 85-7-1702,"

4. Page 4.
Following: line 22
Insert: "Section 5. Section 7-13-2212, MCA, is amended to read:

"7-13-2212. Qualifications to vote. ~~(1) Except as provided in subsection (2), an individual is not entitled to vote at any election under the provisions of part 23 and this part unless the individual possesses all the qualifications required of electors under the general election laws of the state and is a resident of the proposed district or the owner of taxable real property located within the county in which the individual proposes to vote and situated within the boundaries of the proposed district.~~

~~(2) An individual who is the owner of the real property described in subsection (1) need not possess the qualifications required of an elector in 13-1-111(1)(c), provided that the elector is qualified if registered to vote in any state of the United States and files proof of registration with the election administrator at least 40 days prior to the election in which the individual intends to vote.~~ (1) An individual is qualified to vote in any election under the provisions of part 23 and this part if the individual is a qualified voter pursuant to 13-1-111, not including 13-1-111(1)(a) and (1)(c), and is:

(a) a resident of the proposed or existing district;

(b) an owner of taxable real property within the boundaries of the proposed or existing district or, if the property is owned by more than one person, an agent designated by the owners;

(c) an individual listed in 13-1-506 representing a corporation or company that owns taxable

real property within the boundaries of the proposed or existing district; or

(d) a designated agent for a property held in trust within the boundaries of the proposed or existing district.

(2) An individual qualified to vote pursuant to subsections (1)(b) through (1)(d) shall provide written proof of the individual's qualifications to the election administrator at least 25 days before the election.""

Renumber: subsequent sections

5. Page 18.

Following: line 15

Insert: "Section 17. Section 85-7-1702, MCA, is amended to read:

"85-7-1702. Election ~~or appointment~~ of commissioners -- term of office. (1) The election for commissioners in each district must be held annually in accordance with Title 13, chapter 1, part 5. The election may be at the district's annual meeting or on the date established in 13-1-504(1).

(2) A person eligible to vote in the district may file a declaration of candidacy for the office of commissioner with the election administrator or deputy election administrator within the time period specified in 13-1-502.

(3) Within 40 days following their election, the commissioners shall meet and organize as a board by electing a president from their number and a secretary, who may or may not be a commissioner, who shall each hold office at the pleasure of the board.

(4) ~~The~~ Except as provided in 85-7-204, the term of office of each commissioner begins on the date of the commissioner's election and continues for 3 years.

~~(4)~~(5) Commissioners are elected by the electors of the entire district.""

Renumber: subsequent sections

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/10/2017

SB 54, introduced by J. Gross
SB 86, introduced by T. Richmond
SB 89, introduced by G. Vance
SB 100, introduced by C. Smith
SB 129, introduced by M. Caferro
SB 142, introduced by T. Facey

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/10/2017

SB 62, introduced by C. Wolken

House bill passed and transmitted to the Senate for concurrence: 3/10/2017

HB 478, introduced by E. Hill Smith

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 344, introduced by F. Moore, referred to Business, Labor, and Economic Affairs.
SB 345, introduced by C. Smith, D. Ankney, N. Ballance, B. Beard, S. Berglee, M. Blasdel, R. Brodehl, D. Brown, E. Buttrey, P. Connell, R. Ehli, J. Essmann, J. Fielder, S. Fitzpatrick, W. Galt, T. Gauthier, B. Grubbs, B. Harris, G. Hertz, S. Hinebauch, J. Hinkle, B. Hoven, D. Howard, L. Jones, D. Kary, B. Keenan, J. Knokey, A. Knudsen, M. Lang, S. Lavin, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, J. Patelis, A. Redfield, K. Regier, M. Regier, V. Ricci, A. Rosendale, D. Salomon, R. Shaw, L. Sheldon-Galloway, D. Skees, J. Small, N. Swandal, F. Thomas, B. Usher, G. Vance, S. Vinton, K. Wagoner, R. Webb, D. Zolnikov, referred to Business, Labor, and Economic Affairs.
SB 346, introduced by T. Gauthier, E. Buttrey, J. Hamilton, A. Olszewski, J. Small, F. Smith, referred to State Administration.

The following House bill was introduced, read first time, and referred to committee:

HB 478, introduced by E. Hill Smith, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 95 - Senator Sands moved **HB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

HB 163 - Senator Caferro moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

HB 173 - Senator Moore moved **HB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

SR 36 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 36**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

SR 38 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 38**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 180 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

SB 196 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

SB 285 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Tempel.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

HB 3 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Caferro, Malek, Smith F.
Total 3

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

HB 131 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 43

Nays: Connell, Facey, Hinebauch, Lang, Tempel, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

HB 148 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

HB 256 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 13, 2017, the fifty-second legislative day. Motion carried.

Senate adjourned at 8:26 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 13, 2017 — State Capitol

Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Moore. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/13/2017
Correctly printed: **SB 344**, **SB 345**, **SB 346**, **SR 35**, **SR 47**, **HB 95**, **HB 163**, **HB 173**, **HB 220**, **HB 276**, **HB 342**, **HB 370**.
Correctly engrossed: **HB 83**, **HB 231**
Examined by the sponsor and found to be correct: **SR 27**, **SR 28**, **SR 37**.
Transmitted to the House: **SB 180**, **SB 196, SB 251**, **SB 254**, **SB 285**, **HB 3**, **HB 131**, **HB 148**, **HB 256**, **HB 286**, **HB 305**, **HB 346**, **HB 347**, **HB 377**.
Signed by the President at 9:52 a.m., March 13, 2017: **SB 4**, **SB 82**.
Signed by the Secretary of the Senate at 9:53 a.m., March 13, 2017: **SB 4**, **SB 82**.
Signed by the Speaker at 11:10 a.m., March 13, 2017: **SB 4**, **SB 82**.
Delivered to the Governor at 12:43 p.m., March 13, 2017: **SB 4**, **SB 82**.

Senator Blasdel introduced the Pages for the coming week:

Molly Yager from Lewistown, sponsored by Senator Osmundson
Dustin Saxon from Stevensville, sponsored by Senator Thomas
Justin Saxon from Stevensville, sponsored by Senator Thomas
Zachary Smith from Wolf Point, sponsored by Senator F. Smith
Khloe Krumwiede from Glasgow, sponsored by Senator Lang
Cory Kelly from Chester, sponsored by former Senator Hanson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 347, introduced by J. Hinkle, referred to Taxation.

The following House bills, previously introduced, were referred to committees:

HB 430, introduced by A. Hertz, M. Blasdel, referred to Public Health, Welfare, and Safety.
HB 462, introduced by F. Garner, referred to Business, Labor, and Economic Affairs.

MOTIONS

Majority Leader Thomas moved to take **SB 185** from the second reading agenda this day and re-refer it to the Fish and Game Committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 73 - Senator Vance moved **HB 73** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 307 - Senator Sesso moved **HB 307** be concurred in.

HB 307 - Senator Sesso moved **HB 307**, second reading copy, be amended as follows:

1. Page 3, line 15.
Strike: "[SECTION 1(3)]"
Insert: "[This act]"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 307 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 98 - Senator Fielder moved **HB 98** be concurred in.

HB 98 - Senator Phillips moved a **substitute motion** that consideration of **HB 98** be passed for the day.

HB 98 - Majority Leader Thomas moved a second **substitute motion** that consideration of **HB 98** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 128 - Senator Welborn moved **HB 128** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Tempel.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 211 - Senator Facey moved **HB 211** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 214 - Senator Cohenour moved **HB 214** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 9 - Senator Phillips moved **SJ 9** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 42

Nays: Hinebauch, Howard, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 267 - Senator Gross moved **HB 267** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 24

Nays: Ankney, Blasdel, Brown, Connell, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 267 - Majority Leader Thomas moved **HB 267** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 152 - Senator Fitzpatrick moved **HB 152** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 98 - Senator Fielder moved **HB 98** be concurred in.

HB 98 - Senator Phillips moved **HB 98**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "~~DEFINITIONS~~"
Insert: "BY ADDING STRIPED SKUNK AND REMOVING CIVET CAT"

2. Page 2, line 11.
Strike: "RACCOON, RED FOX, BADGER,"

3. Page 5, line 3.
Strike: "RACCOON, RED FOX, BADGER,"

Senator Phillips withdrew the motion to amend **HB 98** and moved that consideration of **HB 98** be passed for the day. Without objection, so ordered.

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 43

Nays: Cohenour, Gross, MacDonald, Pomnichowski, Sands, Smith F, Whitford.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved **SB 339** be taken from the Energy and Telecommunications Committee and re-referred to the Natural Resources Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 95 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 163 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 173 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, March 14, 2017, the fifty-third legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 14, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Vincent excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/14/2017
Correctly printed: **SB 347**, **SJ 9**, **HB 73**, **HB 128**, **HB 152**, **HB 211**, **HB 214**.
Correctly engrossed: **SB 190**, **SB 235**, **HB 145**, **HB 200**, **HB 245**, **HB 307**.
Correctly enrolled: **SB 54**, **SB 86**, **SB 89**, **SB 100**, **SB 129**, **SB 142**, **SR 36**, **SR 38**.
Examined by the sponsor and found to be correct: **SB 54**, **SB 86**, **SB 89**, **SB 100**, **SB 129**, **SB 142**, **SR 36**, **SR 38**.
Transmitted to the House: **HB 95**, **HB 163**, **HB 173**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/14/2017
HB 137, be concurred in.
HB 145, be amended as follows:

1. Title, page 1, line 7.
Following: "MODEL REGULATION;"
Insert: "REVISING LAWS PERTAINING TO NOTICE OF CANCELLATION;"

2. Title, page 1, line 11.
Following: "SECTIONS"
Insert: "33-20-141,"

3. Page 2, line 15.
Following: line 14
Insert: "Section 2. Section 33-20-141, MCA, is amended to read:

"33-20-141. Notice required for cancellation. (1) ~~No~~ Subject to subsection (2), an insurer may not cancel a life insurance policy or annuity for nonpayment of premiums until the insurer has mailed or delivered to the named insured and policyowner, where they are not the same, at the last-known post office address shown in the records of the company one written notice of cancellation in addition to any billing statement, stating the date the cancellation will become effective, which may not be less than 30 days after the date of mailing or delivery of the notice. Said 30 days shall run concurrently with the grace period required by 33-20-104.

(2) (a) An insurer that delivers or issues for delivery an individual life insurance policy in this

state shall notify an applicant in writing at the time of application for the policy of the applicant's right to designate a third party to receive notice of cancellation of the policy based on nonpayment of premium. The applicant may make the designation at the time of application for the policy or at any time the policy is in force by submitting a written notice to the insurer containing the name and address of the third-party designee.

(b) The insurer's transmission to the third-party designee of a copy of a notice of cancellation based on nonpayment of premium must be in addition to the transmission of the original document to the policyholder. The copy of the notice of cancellation transmitted to the third party must be governed by the same law and policy provisions that govern the notice being transmitted to the policyholder.

(c) The designation of a third party may not constitute acceptance of any liability on the part of the third party or insurer for services provided to the policyholder.""

Renumber: subsequent sections

And, as amended, be concurred in.

HB 358, be concurred in.
HB 470, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/13/2017
HB 421, be concurred in.

LOCAL GOVERNMENT (Webb, Chair): 3/13/2017
HB 200, be amended as follows:

1. Title, page 1, line 5.
Following: "COMMUNITY LAND TRUST"
Strike: "IS"
Insert: "OR A HOUSING UNIT ON LAND BELONGING TO A COMMUNITY LAND TRUST ARE"
Following: "NOT"
Strike: "A CONDOMINIUM"
Insert: "CONDOMINIUMS"

2. Page 1, line 23.
Strike: "501(c)"
Insert: "501(c)(3)"

3. Page 1, line 27.
Following: "townhouse,"
Strike: "or"

4. Page 1, line 28.
Following: "trust"
Insert: ", or a housing unit located on land belonging to a community land trust"

And, as amended, be concurred in.

HB 245, be amended as follows:

1. Title, line 6.
Strike: "CONFORMITY OF"
Insert: "INFORMATION REQUIRED FOR"

2. Page 1, line 28.
Strike: "15"
Insert: "20"

3. Page 1, line 29.
Strike: "conforms to the"

4. Page 1, line 30.
Strike: "PROVISIONS OF"
Insert: "contains the information required under"

5. Page 2, line 2.
Strike: "does not conform to the"
Strike: "PROVISIONS OF"
Insert: "does not contain the information required under"

6. Page 2.
Following: line 7
Insert: "(c) The governing body or its agent or agency may review subsequent submissions of the final plat only for information found to be deficient during the original review of the final plat under subsection (3)(b)."
Renumber: subsequent subsections

7. Page 2, line 14 through line 16.
Strike: "HOWEVER," on line 14 through "ORIGINAL REVIEW OF THE FINAL PLAT." on line 16
Insert: "(4)"

8. Page 2, line 17.
Strike: "CONFORMS TO THE PROVISIONS OF"
Insert: "contains the information required under"

9. Page 2.
Following: line 18
Insert: "(5) The subdivider or the subdivider's agent and the governing body or its reviewing agent or agency may mutually agree to extend the review periods provided for in this section."

And, as amended, be concurred in.

HB 316, be concurred in.

NATURAL RESOURCES (Vincent, Chair): 3/13/2017
SB 190, introduced bill, be amended as follows:

1. Page 2, line 23.
Strike: "2018"
Insert: "2019"

2. Page 3, line 4.
Strike: "2018"
Insert: "2019"

3. Page 3, line 24.
Strike: "2018"
Insert: "2019"

And, as amended, do pass.

SB 235, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "state"
Strike: "pursuant to 77-1-601"

And, as amended, do pass.

HB 38, be concurred in.
HB 124, be concurred in.
HB 156, be concurred in.
HB 337, be concurred in.
HB 498, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 172**
Report No. 001, March 13, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 172**

(reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 172** (reference copy -- salmon) be amended as follows:

1. Page 1, line 26 through line 27.
Strike: ":" on line 26 through "year," on line 27

2. Page 1, line 29 through page 2, line 1.
Strike: "; or" on page 1, line 29 through "statements" on page 2, line 1

For the Senate:
Buttrey, Chair
D. Brown
Facey

For the House:
Fitzgerald, Vice Chair
Pierson
Rosendale

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 3/13/2017

HB 24, introduced by R. Ehli
HB 81, introduced by W. Curdy
HB 119, introduced by S. Berglee
HB 247, introduced by K. Dudik

Conference Committee Report No.1 adopted: 3/13/2017

HB 146, introduced by D. Zolnikov

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:
3/13/2017

HB 65, introduced by K. Holmlund

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 348, introduced by R. Webb, referred to Taxation.
SB 349, introduced by R. Webb, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Boland in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 98 - Senator Fielder moved **HB 98** be concurred in.

HB 98 - Senator Phillips moved **HB 98**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "ANIMAL"
Insert: "AND FUR-BEARING ANIMAL DEFINITIONS BY ADDING STRIPED SKUNK TO AND REMOVING CIVET CAT FROM THE PREDATORY ANIMAL DEFINITIONS AND INCLUDING SPOTTED SKUNK IN THE FUR-BEARING ANIMAL DEFINITIONS"

2. Title, page 1, line 6.
Strike: "DEFINITIONS"

3. Page 1, line 24.
Strike: "AND"
Following: "beaver"
Insert: ", and spotted skunk"

4. Page 2, line 16.
Strike: "RACCOON, RED FOX, BADGER,"

5. Page 4, line 4.
Strike: "AND"
Following: "beaver"
Insert: ", and spotted skunk"

6. Page 5, line 3.
Strike: "RACCOON, RED FOX, BADGER,"

Amendment **not** adopted as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 22

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 98 - Thereupon, the Senate reverted to the original motion of Senator Fielder which passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 213 - Senator R. Webb moved **HB 213** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 232 - Senator Connell moved **SB 232** do pass.

SB 232 - Senator D. Brown moved **SB 232**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Strike: "VEHICLE"
Insert: "RECREATION"

2. Title, page 1, line 5.
Following: "VEHICLE"
Insert: ", BICYCLE, OR MOPED"
Strike: "ANNUALLY"

3. Title, page 1, line 6.
Following: "VEHICLE"
Insert: ", BICYCLE, OR MOPED"

4. Title, page 1, line 7.
Following: "MONEY COLLECTED TO BE"
Insert: "SPENT OVER 4 YEARS AND"

5. Page 1, line 13.
Strike: "**vehicle**"
Insert: "**recreation**"

6. Page 1, line 14.
Following: "vehicle"
Insert: ", bicycle, or moped"

7. Page 1, line 15.
Following: the first "off-highway vehicle"
Insert: ", bicycle, or moped"
Following: the second "off-highway"
Strike: "vehicle"
Insert: "recreation"
Strike: "$10"
Insert: "$48"

8. Page 1, line 16.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

9. Page 1, line 17.
Following: "trail pass decal"
Strike: "for the year in which the pass is in effect"
Following: "vehicle"
Insert: ", bicycle, or moped"

10. Page 1, line 22.
Following: "used"
Insert: "in equal installments of $12 a year per permit issued over 4 years. Each $12 installment must be used"

11. Page 1, following line 30.
Insert: "(6) For purposes of this section:
(a) "Bicycle" has the meaning provided in 61-8-102.
(b) "Moped" has the meaning provided in 61-8-102."

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Buttrey, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Webb, Welborn, Mr.President.
Total 20

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 232 - Thereupon, the Senate reverted to the original motion of Senator Connell which passed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Vuckovich, Welborn, Whitford, Wolken.
Total 26

Nays: Blasdel, Brown, Buttrey, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 24

Paired: Sesso, Aye; Vincent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 45 - Senator Sands moved **HB 45** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 276 - Senator Fielder moved **HB 276** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken.
Total 44

Nays: Hinkle, Malek, Swandal, Whitford, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 101 - Senator D. Brown moved **HB 101** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Howard, Olszewski, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Salomon excused at this time.

HB 102 - Senator Malek moved **HB 102** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 45

Nays: Lang, Webb, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: Salomon, Vincent.
Total 2

HB 271 - Senator Sesso moved **HB 271** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 47

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: Salomon, Vincent.
Total 2

Senator Buttrey excused at this time.

HB 279 - Senator F. Smith moved **HB 279** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

HB 282 - Majority Leader Thomas moved consideration of **HB 282** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 83 - Senator Kary moved **HB 83** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 41

Nays: Fielder, Hinebauch, Howard, Smith C, Vance, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

SB 25 - **House Amendments** - Senator Blasdel moved House amendments to **SB 25** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

Senator Phillips assumed the chair.

HB 231 - Senator R. Webb moved **HB 231** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Tempel, Vuckovich, Whitford, Wolken.
Total 18

Paired: Buttrey, Salomon, Vincent, Aye; Barrett, Facey, Wolken, No.

Absent or not voting: None.
Total 0

Excused: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Boland moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Cohenour, Phillips, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

THIRD READING OF BILLS

SJ 9 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 40

Nays: Hinebauch, Howard, Smith C, Swandal, Vance, Webb, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

HB 73 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

HB 128 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

HB 152 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

HB 211 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Howard, Tempel, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

HB 214 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: Buttrey, Salomon, Vincent.
Total 3

MOTIONS

Majority Leader Thomas moved that **SB 346** be taken from the State Administration Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved the President be authorized to appoint a Free Conference Committee on **SB 25** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed:

Senator Blasdel, Chair
Senator Buttrey
Senator Facey

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 15, 2017, the fifty-fourth legislative day. Motion carried.

Senate adjourned at 2:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 15, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Fielder. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/15/2017

Correctly printed: **SB 57**, **SB 232**, **SB 348**, **SB 349**, **HB 20**, **HB 22**, **HB 38**, **HB 45**, **HB 83**, **HB 98**, **HB 101**, **HB 102**, **HB 124**, **HB 137**, **HB 156**, **HB 175**, **HB 183**, **HB 213**, **HB 231**, **HB 271**, **HB 276**, **HB 279**, **HB 297**, **HB 316**, **HB 337**, **HB 350**, **HB 358**, **HB 421**, **HB 470**, **HB 471**, **HB 498**, **HB 509**.

Correctly engrossed: **SB 172**, **SB 173**, **SB 187**, **SB 276**, **SB 280**, **SB 299**, **SB 341**, **HB 77**, **HB 144**, **HB 349**, **HB 485**, **HB 539**.

Transmitted to the House: **SJ 9**, **HB 73**, **HB 128**, **HB 152**, **HB 211**, **HB 214**.

Signed by the President at 11:05 a.m., March 15, 2017: **SB 54**, **SB 86**, **SB 89**, **SB 100**, **SB 129**, **SB 142**, **SR 36**, **SR 38**.

Signed by the Secretary of the Senate at 11:17 a.m., March 15, 2017: **SB 54**, **SB 86**, **SB 89**, **SB 100**, **SB 129**, **SB 142**, **SR 36**, **SR 38**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/14/2017

SB 299, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "WITHHELD;"
Insert: "ESTABLISHING A FEE;"

2. Page 2, line 22.
Following: "(1)"
Insert: "(a)"

3. Page 2.
Following: line 27
Insert: "(b) When an owner, operator, or service company requests that information be withheld, the department shall charge a fee of no more than $25 per ingredient or concentration for the request."

And, as amended, do pass.

HB 20, be concurred in.

HB 22, be concurred in.
HB 297, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 3/14/2017
SB 57, do pass.
SB 341, introduced bill, be amended as follows:

1. Page 3.
Following: line 26
Insert: "**NEW SECTION. Section 5**. Implementation. The department shall implement [this act] within existing resources."
Renumber: subsequent sections

And, as amended, do pass.

HB 175, be concurred in.
HB 539, be amended as follows:

1. Title, page 1, line 7 through line 9.
Strike: "REQUIRING" on line 7 through "APPROPRIATIONS;" on line 9

2. Page 2, line 20.
Following: "(5)"
Strike: "(a)"

3. Page 2, line 23 through line 25.
Strike: subsection (b) in its entirety

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 3/14/2017
SB 173, introduced bill, be amended as follows:

1. Title, line 4.
Following: "USE"
Insert: " OR SALE"

2. Title, line 6.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

3. Page 1, line 10.
Following: "**use**"
Insert: "**or sale**"
Following: "**prohibited.**"

Strike: "The"
Insert: "(1) Except as provided in subsection (2), the"
Following: "use"
Insert: "or sale"

4. Page 1, line 13.
Following: line 12
Insert: "(2) The commission may allow deer or elk urine otherwise prohibited by subsection (1) if the deer or elk urine is produced in a facility that the commission determines:

(a) complies with a federal or a federally approved chronic wasting disease herd certification program and any federal chronic wasting disease protocols and record requirements;

(b) does not allow importation of live cervids, except in cases of catastrophic loss or herd replenishment;

(c) requires that all cervids exported from the facility be tested for chronic wasting disease upon death and the results are reported to the facility;

(d) is inspected annually by an accredited veterinarian, including inspection of the herd and applicable records; and

(e) maintains a fence at least 8 feet high around the facility and, if the facility is located within 30 miles of a confirmed positive occurrence of chronic wasting disease, is double fenced to prevent direct contact between captive and wild cervids.

(3)(a) Except as provided in subsection (3)(b), a violation of this section is a misdemeanor punishable by a fine of up to $500 for each separate offense.

(b) Through January 31, 2019, violators of this section must be issued a warning but may not be fined."

5. Page 1, line 17.
Strike: "on passage and approval"
Insert: "January 1, 2018"

And, as amended, do pass.

SB 187, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "CRIMINAL PENALTIES"
Insert: "A PENALTY"

2. Title, page 1, line 6.
Following: the second "PROVIDING"
Strike: "AN"
Insert: "A DELAYED"

3. Page 1, line 20.
Following: line 19
Insert: "(e) skulls that have been boiled and cleaned to remove flesh and tissue;"

Renumber: subsequent subsections

4. Page 1, line 22.
Strike: "(a)" through "(3)(b), a"
Insert: "A"

5. Page 1, line 23.
Strike: "not less" through "$1,000"
Insert: "up to $500"

6. Page 1, line 27 through page 2, line 1.
Strike: subsection (b) in its entirety

7. Page 2, line 6.
Strike: "July 1, 2017"
Insert: "January 1, 2018"

And, as amended, do pass.

HB 183, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/14/2017
HB 144, be amended as follows:

1. Page 24, line 16.
Following: "applicable to"
Insert: ": (a)"

2. Page 24, line 17.
Following: "law"
Insert: "; or (b) a motor vehicle that is:

(i) registered in another jurisdiction by an insurance company licensed to conduct business in this state;

(ii) being used by an employee of the insurance company to assist residents of this state with insurance claims; and

(iii) operated on the highways of this state for no more than 90 consecutive days"

And, as amended, be concurred in.

HB 471, be concurred in.
HB 485, be amended as follows:

1. Page 2, line 22.
Strike: "3 months"
Insert: "90 days"

2. Page 2, line 29 through line 30.
Strike: "3" on line 29 through "months" on line 30
Insert: "90 days"

And, as amended, be concurred in.

HB 509, be concurred in.

JUDICIARY (Regier, Chair): 3/14/2017
SB 172, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "40-5-701,"
Insert: "40-5-704, 40-5-710, AND 40-5-711,"

2. Page 1, line 27.
Following: line 27
Insert: "(2)"Conservation activity" means an activity for which a wildlife conservation license is issued by the department of fish, wildlife, and parks pursuant to 87-2-201."
Renumber: subsequent subsections

3. Page 2, line 4.
Strike: "recreational"
Insert: "conservation"

4. Page 2, line 21.
Strike: subsection (10) in its entirety

5. Page 4, line 4.
Following: line 4
Insert: "Section 2. Section 40-5-704, MCA, is amended to read:

"40-5-704. Suspension, denial, and nonrenewal of licenses. (1) Upon receipt of the notice of suspension of the license under 40-5-703(5), a licensing authority shall implement the suspension of the license by:

(a) determining if it has issued a license to the obligor whose name appears on the notice;

(b) entering the suspension on the appropriate records;

(c) reporting the suspension as appropriate;

(d) making good faith efforts to deny ~~recreational~~ conservation activity licenses for the next applicable license year; and

(e) if required by law, demanding surrender of the suspended license.

(2) An order issued by a support enforcement entity under 40-5-703 suspending a license and the notice of suspension given under 40-5-703(5) must be processed by the licensing authority without an additional review or hearing involving the licensing authority concerning suspension of

the license.

(3) Notwithstanding the provisions of any other law setting terms of suspension, revocation, denial, termination, or renewal of a license, an order issued by a support enforcement entity suspending a license must be implemented by the licensing authority and continues until the support enforcement entity advises the licensing authority that the suspension has been stayed or terminated.

(4) In the event that a license is suspended, any funds paid by the obligor to the licensing authority for costs related to issuance, renewal, or maintenance of a license may not be refunded to the obligor.

(5) Unless an order staying suspension of a license is in effect, an obligor who continues to engage in the business, occupation, profession, ~~recreational~~ conservation activity, or other licensed activity while the obligor's license is suspended under this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $250 or more than $500 or by imprisonment in the county jail for a term not to exceed 6 months, or both. Upon conviction of a second or subsequent violation, the obligor shall be punished by a fine of not less than $500 or more than $2,000 or by imprisonment in the county jail for a term not to exceed 1 year, or both. The support enforcement entity or the licensing authority may elect the remedy under this section or any other remedy provided for engaging in a licensed activity without a license or while the license is suspended.

(6) The licensing authority is exempt from liability to the licensee for activities conducted in compliance with this part.

(7) The licensing authority has no jurisdiction to modify, remand, reverse, vacate, or stay the order of the support enforcement entity suspending a license.

(8) To the extent that inconsistencies exist between this part and the procedural requirements for suspension of a license issued by the department, this part supersedes those requirements."

"

Insert: "Section 3. Section 40-5-710, MCA, is amended to read:

"40-5-710. Stay of suspension of license -- payment plan -- hardship. (1) An obligor may at the time of the hearing conducted under 40-5-703 or~~, except for a recreational activity license,~~ at any time after the hearing, petition the support enforcement entity for an order staying suspension of the license.

(2) The support enforcement entity shall consider the obligor's petition for a stay separately from any determination on whether suspension of a license is appropriate.

(3) The support enforcement entity may stay suspension of a license upon a showing that suspension or continued suspension of a license would create a significant hardship to the obligor, to the obligor's employees, to legal dependents residing in the obligor's household, or to persons, businesses, or other entities served by the obligor.

(4) A stay terminates upon:

(a) termination of the circumstances upon which a hardship is based;

(b) failure by the obligor to abide by the terms and conditions of a payment plan; or

(c) the date of termination, if any, provided in the order staying suspension of the license.

(5) If the licensing authority has been notified of an order suspending a license, the support enforcement entity shall notify the licensing authority of any stay or reinstatement unless the support enforcement entity has suspended the license of the obligor for another delinquency or for

failure to comply with a subpoena or warrant and the suspension for the other delinquency or failure to comply with a subpoena or warrant is still in effect. The support enforcement entity shall send a copy of any order staying or reinstating suspension of the license to the obligor.

(6) (a) Upon receipt of a notice staying or reinstating suspension of the license, the licensing authority shall:

(i) enter the information on appropriate records;

(ii) report the action as appropriate; and

(iii) demand surrender of the suspended license or return the reinstated license.

(b) Further action by the licensing authority is not necessary to implement the stay or reinstatement of suspension of the license.""

Insert: "Section 4. Section 40-5-711, MCA, is amended to read:

"40-5-711. Termination of order to suspend license. (1) Except as provided in subsection (3), when the support enforcement entity determines that the support debt or support obligation is paid in full or the obligor has complied with the subpoena or warrant, it shall terminate the order suspending the license. The support enforcement entity shall send a copy of the order terminating the suspension of the license to the obligor.

(2) Entry of an order terminating suspension of a license does not limit the ability of a support enforcement entity to issue a new order suspending the license of the same obligor in the event of another delinquency or failure to comply with a subpoena or warrant.

(3) A suspension of a ~~recreational~~ conservation activity license is effective for the license year. The suspension does not terminate if the support enforcement entity determines that the support debt or support obligation is paid in full or the obligor has complied with the subpoena or warrant.""

Renumber: subsequent section

And, as amended, do pass.

SB 276, introduced bill, be amended as follows:

1. Page 1, line 29.
Following: "provides"
Strike: "the"
Insert: "a"
Following: "specific"
Strike: "code alleged to be violated"
Insert: "issue that is a code violation"

And, as amended, do pass.

SB 280, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "SECTIONS"
Insert: "61-2-107, 61-2-108,"

2. Page 1, line 12.
Following: line 12
Insert: "Section 1. Section 61-2-107, MCA, is amended to read:

"61-2-107. License reinstatement fee to fund county drinking and driving prevention programs. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of $200 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) Notwithstanding the provisions of any other law of the state, an individual who has been issued an interlock restricted license may not receive an unrestricted license until the driver has paid to the department a fee of $200 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

~~(2)~~(3) The department shall deposit one-half of the fees collected under ~~subsection~~ subsections (1) and (2) in the general fund and the other half in an account in the state special revenue fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108."
"
Insert: "Section 2. Section 61-2-108, MCA, is amended to read:

"61-2-108. Funding allocation for programs to prevent or reduce drinking and driving. (1) If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall transmit the county portion of the proceeds of the license reinstatement fees collected in that county to the county treasurer, as provided in ~~61-2-107(2)~~ 61-2-107, at the end of each quarter.

(2) Funds deposited in the state special revenue fund pursuant to ~~61-2-107(2)~~ 61-2-107 for violations occurring in a county that has not initiated and maintained a drinking and driving prevention program as provided in 61-2-106 must be distributed July 1 of each year, on an equal basis, to those counties that have an approved program under 61-2-106.""
Renumber: subsequent sections

3. Page 3, line 23.
Following: "license"
Insert: "for use on the person's personal vehicle"

And, as amended, do pass.

HB 77, be amended as follows:

1. Page 21, line 26 through line 28.
Strike: subsection (6) in its entirety

2. Page 36, line 25.
Strike: "(a)" through "contracts"
Insert: "Contracts"

3. Page 36, line 28 through line 29.

Strike: subsection (b) in its entirety

4. Page 37, line 6 through line 8.
Strike: subsection (c) in its entirety

5. Page 37, line 19.
Strike: "and"

6. Page 37, line 20.
Following: "~~commission~~"
Insert: "; and
(i) cost of the services"

And, as amended, be concurred in.

HB 349, be amended as follows:

1. Page 1, line 14.
Following: "~~reservation~~"
Insert: "without reservation"

2. Page 1, line 18.
Following: "~~reservation~~"
Insert: "without reservation"

3. Page 1, line 26.
Following: "~~reservation~~"
Insert: "without reservation"

4. Page 1, line 30.
Following: "~~reservation~~"
Insert: "without reservation"

And, as amended, be concurred in.

HB 350, be concurred in.

TAXATION (Blasdel, Chair): 3/15/2017
SB 138, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "ESTABLISHING" on page 1, line 5 through "AUDIT;" on line 6

2. Title, page 1, line 9.
Strike: "15-1-701, 15-1-704, 15-30-2607,"

Strike: ", 15-31-503,"

3. Page 1, line 14 through page 3, line 12.
Strike: section 1 through section 5 in their entirety
Renumber: subsequent sections

4. Page 3, line 20 through line 22.
Strike: "A credit" on page 3, line 20 through "overpayment" on page 3, line 22
Insert: "A refund or credit may not be allowed or paid with respect to the year for which a return is filed after expiration of the period provided by 15-30-2606 and 15-30-2607 or after 1 year from the date of the overpayment or filing, whichever is later, unless before the expiration of the period the taxpayer files a claim for refund or credit or the department has determined the existence of the overpayment and has approved the refund or credit"

5. Page 3, line 22 through page 4, line 8.
Strike: "If no return" on page 3, line 22 through "setoff defense." on page 4, line 8
Renumber: subsequent subsections

6. Page 5, line 6 through line 17.
Strike: section 7 in its entirety
Renumber: subsequent sections

7. Page 6, line 5.
Strike: "(a)"

8. Page 6, line 6.
Strike: "2 years"
Insert: "1 year"

9. Page 6, line 7.
Following: "overpayment"
Insert: "or filing"

10. Page 6, line 9 through line 24.
Strike: "If no return" on page 6, line 9 through "setoff defense." on page 6, line 24

11. Page 6, line 25.
Strike: "(e)"

12. Page 7, line 7 through line 11``.
Strike: section 9 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 324, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 10, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Board of Aeronautics
MCA 2-15-2506

! Mr. Bill Hunt, Jr., PO Box 731, Shelby, MT 59474, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Hunt fulfills the qualifications of Attorney and member of the Montana County Commissioners Association or the Montana League of Cities and Towns for the Board.

! Mr. Roger Lincoln, 15176 Hingham Rd N., Gildford, MT 59525, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Lincoln fulfills the qualifications of member of the Association of Montana Aerial Applicators for the Board.

! Ms. Tricia McKenna, 110 Churn Creek Road, Bozeman, MT 59715, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Ms. McKenna fulfills the qualifications of Chair and member of the Montana Pilots' Association for the Board.

! Mr. Walter LeRoy McNutt, 110 12th Ave, Sidney, MT 59270, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. McNutt fulfills the qualifications of member of the Montana Chamber of Commerce for the Board.

! Mr. Jeff Wadekamper, Helena Regional Airport, 2850 Mercer Loop, Helena, MT 59602, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Wadekamper fulfills the qualifications of Representative of the Montana Airport Management Association for the Board.

Montana Arts Council
MCA 22-2-102

! Ms. Elizabeth Albers, 4000 Mullan Road, Unit J153, Missoula, MT 59808, was appointed to serve a term starting March 10, 2017 and ending February 1, 2022. Ms. Albers fulfills the qualifications of Public Representative for the Council.

! Ms. Cynthia L. Andrus, 3247 Gardenbrook Lane, Bozeman, MT 59715, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Ms. Andrus fulfills the qualifications of Public Representative for the Council.

! Mr. John Paul Gabriel, Jr., 6180 Alamosa Lane, Bozeman, MT 59718, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Mr. Gabriel fulfills the qualifications of Public Representative for the Council.

! Ms. Tracy Linder, 13311 Ballard Ivie Road, Molt, MT 59057, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Ms. Linder fulfills the qualifications of Public Representative for the Council.

! Dr. Renée Westlake, 2900 Love Lane, Bozeman, MT 59718, was reappointed to serve a term starting March 10, 2017 and ending February 1, 2022. Dr. Westlake fulfills the qualifications of Public Representative for the Council.

Coal Board
MCA 2-15-1821

! Commissioner Sidney Fitzpatrick, Big Horn County, PO Box 908, Hardin, MT 59034, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Fitzpatrick fulfills the qualifications of District 2, Impact Area for the Board.

! Mr. Shawn Fredrickson, 3135 Burlington Street, Butte, MT 59701, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Fredrickson fulfills the qualifications of District 1 for the Board.

! Ms. Marianne Roose, PO Box 532, Eureka, MT 59917, was appointed to serve a term starting March 10, 2017 and ending January 1, 2021. Ms. Roose fulfills the qualifications of District 1 for the Board.

! Mayor John N. Williams, PO Box 477, Colstrip, MT 59323, was reappointed to serve a term starting March 10, 2017 and ending January 1, 2021. Mr. Williams fulfills the qualifications of District 2, Impact Area for the Board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

March 14, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following judicial appointment:

8th Judicial District
MCA 3-1-1010

! Judge John Parker, 24 Missouri Bend, Great Falls, MT 59404.

I have included the appointee's application packet as received by the Judicial Nominations Commission.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at extension 4405 or by email at sotterstrom@mt.gov. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/14/2017

SB 2, introduced by P. Connell

SB 67, introduced by C. Wolken
SB 91, introduced by J. Hinkle
SB 108, introduced by G. Vance
SB 137, introduced by D. Ankney
SB 165, introduced by D. Salomon

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 51, introduced by G. Vance, referred to Highways and Transportation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 20, introduced by J. Small, D. Ankney, E. Buttrey, V. Court, R. Fitzgerald, J. Fleming, J. Gross, J. Keane, G. Kipp, K. McCarthy, S. Morigeau, D. Mortensen, A. Olszewski, J. Patelis, T. Richmond, D. Sands, R. Shaw, B. Smith, F. Smith, F. Thomas, S. Vinton, G. Vuckovich, S. Webber, J. Welborn, L. Whitford, J. Windy Boy, referred to Business, Labor, and Economic Affairs.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 232 passed as follows:

Yeas: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Tempel, Vincent, Vuckovich, Welborn, Wolken.
Total 26

Nays: Blasdel, Brown, Buttrey, Caferro, Fielder, Gross, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Osmundson, Regier, Small, Smith C, Smith F, Swandal, Thomas, Vance, Webb, Whitford, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 45 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 83 concurred in as follows:

Yeas: Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 40

Nays: Ankney, Blasdel, Fielder, Hinebauch, Howard, Smith C, Vance, Vincent, Welborn, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 98 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 101 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Webb, Whitford, Wolken.
Total 39

Nays: Blasdel, Hinebauch, Howard, Keenan, Olszewski, Smith C, Thomas, Vance, Vincent, Welborn, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 102 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Whitford, Wolken.
Total 41

Nays: Blasdel, Fielder, Hinebauch, Keenan, Lang, Olszewski, Vincent, Welborn, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 213 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 47

Nays: Hoven, Smith F, Welborn.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 231 concurred in as follows:

Yeas: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 31

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 271 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Vincent, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 276 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Hinkle, Smith F, Swandal, Vincent, Vuckovich, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 279 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 307 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 370 - Senator Fielder moved **HB 370** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 220 - Senator Gross moved **HB 220** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 342 - Senator S. Sales moved **HB 342** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Phillips, Pomnichowski, Sands.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 335** be taken from the Local Government Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 255** be taken from the Judiciary Committee and re-referred to the Taxation Committee. Without objection, so ordered.

Senator Facey arose with a question of parliamentary procedure and inquired if additional action is required to remove **SB 255** from the table in committee before re-referral. Senator Pomnichowski then objected to the re-referral of **SB 255** prompting a vote of the Senate. The motion to re-refer the bill passed as follows:

Yeas: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 27

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hinkle, Howard, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 16, 2017, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 1:33 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 16, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/15/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, and fiftieth legislative days, find the same to be correct.

Correctly printed: **SB 324**, **SR 51**, **SJ 20**, **HB 220**, **HB 342**, **HB 370**.
Correctly engrossed: **SB 138**, **SB 329**, **HB 198**, **HB 208**, **HB 248**, **HB 328**, **HB 393**, **HB 405**, **HB 416**.
Correctly enrolled: **SB 108**, **SB 137**.
Transmitted to the House: **SB 232**, **HB 45**, **HB 83**, **HB 98**, **HB 101**, **HB 102**, **HB 213**, **HB 231**, **HB 271**, **HB 276**, **HB 279**, **HB 307**.
Examined by the sponsor and found to be correct: **SB 108**, **SB 137**.
Signed by the President at 11:05 a.m., March 15, 2017: **SR 27**, **SR 28**, **SR 37**.
Signed by the Secretary of the Senate at 11:18 a.m., March 15, 2017: **SR 27**, **SR 28**, **SR 37**.
Signed by the Speaker at 11:20 a.m., March 16, 2017: **SB 54**, **SB 86**, **SB 89**, **SB 100**, **SB 129**, **SB 142**.
Delivered to the Governor at 3:15 p.m., March 16, 2017: **SB 54**, **SB 86**, **SB 89**, **SB 100**, **SB 129**, **SB 142**.
Delivered to the Secretary of State at 9:20 a.m., March 16, 2017: **SR 27**, **SR 28**, **SR 36**, **SR 37**, **SR 38**.

COMMUNICATIONS AND PETITIONS

Senate received a letter dated March 15, 2017, from Dan Ritter, Director, Office of Community Service, and the Montana Commission on Community Service, thanking Senate members for participating in and contributing to the Doorsteps to Backpacks food drive.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/16/2017
HB 198, be amended as follows:

1. Page 2, line 5.

Following: "subsection (1)"
Insert: ", with a maximum amount of $75,000"

And, as amended, be concurred in.

HB 393, be amended as follows:

1. Title, page 1, line 6.
Following: "COSMETOLOGY;"
Insert: "AND"

2. Title, page 1, line 6 through line 7.
Following: "37-31-311, MCA" on line 6
Strike: remainder of line 6 through "EFFECTIVE DATE" on line 7

3. Page 6, line 2.
Strike: section 3 in its entirety

And, as amended, be concurred in.

HB 500, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/15/2017
HB 248, be amended as follows:

1. Page 1, line 13.
Strike: ", either civil or criminal,"

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/15/2017
HB 208, be amended as follows:

1. Page 1, line 14.
Following: "abuse."
Insert: "For purposes of this section, the term "state agency" has the meaning provided in 1-2-116."

2. Page 1, line 26.
Following: "(3)"
Strike: "An individual"
Insert: "A person"

3. Page 1, line 28.
Following: "JURISDICTION."

Insert: "The provisions of 2-9-305 apply if the person is being sued in a civil action for actions taken within the course and scope of the person's employment and the person is a state officer, public officer, or public employee. For purposes of this section, the term "person" has the meaning provided in 2-5-103."

4. Page 2, line 7 through line 8.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

5. Page 2, line 10.
Following: line 10
Insert: "(6) If a state agency maintains written internal procedures under which an individual may appeal an action described in subsection (2) within the agency's organizational structure, the individual shall first exhaust those procedures before filing an action under this section. The individual's failure to initiate or exhaust available internal procedures is a defense to an action brought under this section.

(7) For purposes of this subsection, if the state agency's internal procedures are not completed within 90 days from the date the individual may file an action under this section, the agency's internal procedures are considered exhausted. The limitation period in subsection (5) is tolled until the procedures are exhausted. The provisions of the agency's internal procedures may not in any case extend the limitation period in subsection (5) more than 240 days.

(8) If the state agency maintains written internal procedures described in subsection (6), the agency shall, within 7 days of receiving written notice from the complaining individual of the action described in subsection (2), notify the individual of the existence of the written procedures and supply the individual with a copy. If the agency fails to comply with this subsection, the individual is relieved from compliance with subsection (6)."
Renumber: subsequent subsection

And, as amended, be concurred in.

HB 217, be concurred in.

JUDICIARY (Regier, Chair): 3/16/2017
HB 44, be concurred in.
HB 62, be concurred in.
HB 129, be amended as follows:

1. Page 2, line 8.
Following: "creation"
Strike: "OR DISTRIBUTION"

And, as amended, be concurred in.

HB 147, be amended as follows:

1. Title, page 1, line 7.
Strike: "PROVIDING" through "ADMISSIBLE"
Insert: "providing a civil cause of action for violations"

2. Page 1, line 13.
Following: line 13
Insert: "(1) "Authorized user" means a person who has the permission of the owner to possess and operate the electronic device.
(2) "Electronic communication service" means a service that:
(a) provides to users the ability to send or receive electronic communications;
(b) provides to users computer storage or processing services; or
(c) acts as an intermediary in the transmission of electronic communications."
Renumber: subsequent subsections

3. Page 1, line 15.
Following: "service"
Strike: ","
Insert: "or"
Following: "computing service"
Strike: ", or location information service"

4. Page 1, line 18.
Following: line 18
Insert: "(5) "Owner" means a person who is the legal owner of the electronic device. If the electronic device is the subject of an agreement for the conditional sale of the electronic device with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the person possessing the device, or in the event the electronic device is subject to a lease, contract, or other legal arrangement vesting the right of possession or control in the person possessing the electronic device, then the owner is the person in whom the right of possession or control is vested."
Renumber: subsequent subsections

5. Page 2, line 4.
Following: "with the"
Strike: "informed, affirmative"
Following: "owner or"
Insert: "authorized"

6. Page 2, line 7.
Following: "if"
Strike: remainder of line 7
Insert: "the government entity, in good faith, believes that an emergency involving danger, death, or serious physical injury to a person requires immediate disclosure of communications relating to the emergency;"

7. Page 2, line 12.
Following: "services"
Insert: "; or
(f) for any electronic devices found within the confines of an adult or youth correctional facility"

8. Page 2, line 20.
Strike: "**Admissibility of proof -- violations**"
Insert: "Civil action for violation"

9. Page 2, line 20 through line 24.
Strike: "(1)" on line 20 through "(2)" on line 24

And, as amended, be concurred in.

HB 149, be amended as follows:

1. Page 2, line 30.
Following: "OPERATION OF A LICENSE PLATE READER"
Insert: "by a law enforcement agency"
Following: line 30
Insert: "operated by a law enforcement agency"

2. Page 3, line 1.
Following: "USED"
Insert: "by a law enforcement agency"

3. Page 3, line 20 through line 21.
Following: "PLATES"
Strike: remainder of line 20 through "VEHICLE" on line 21

4. Page 5, line 12.
Following: "DATA"
Insert: "gathered by law enforcement"
Following: "PURPOSE"
Insert: "except as provided in [section 1]"

And, as amended, be concurred in.

HB 201, be concurred in.

LOCAL GOVERNMENT (Webb, Chair): 3/15/2017
HB 405, be amended as follows:

1. Title, line 14.

Following: "7-11-1029,"
Insert: "7-13-2233,"

2. Page 3, line 15.
Following: "must be a"
Insert: "citizen of the United States and a"

3. Page 7.
Following: line 29
Insert: "Section 6. Section 7-13-2233, MCA, is amended to read:

"7-13-2233. Qualifications of directors. ~~Any director so elected or appointed shall be an owner or lessee of real property within said district or a resident therein~~ (1) To be eligible for election or appointment to a board of directors, a person must be:

(a) registered to vote as required by law;

(b) 18 years of age or older;

(c) a citizen of the United States; and

(d) a resident of the district or an owner of real property in the district who is a resident of the state of Montana.

(2) A person who is serving on a board of directors on [the effective date of this act] who does not meet the qualifications under subsection (1) may serve the remainder of the person's term but may not be reelected or reappointed to the board. A person elected or appointed after [the effective date of this act] must meet the qualifications of subsection (1)."""
Renumber: subsequent sections

4. Page 10, line 4 through line 25.
Strike: section 10 in its entirety
Insert: "Section 11. Section 13-1-502, MCA, is amended to read:

"13-1-502. Deadlines for candidate filing, write-in candidacy, and withdrawal -- election cancellation -- election by acclamation. (1) Consistent with the candidate filing deadline in 13-10-201(7) for primary elections and except as provided in subsection (3) for a write-in candidate, the candidate filing deadline for election to a special purpose district office is no sooner than 145 days and no later than 85 days before the election.

(2) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not withdraw after the candidate filing deadline provided in subsection (1).

(3) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 10th day before the date on which the ballot must be available for absentee or mail ballot voting under 13-1-503, as applicable.

(4) (a) ~~If~~ Except as provided in subsection (4)(b), if by the write-in candidate deadline in subsection (3) the number of candidates is equal to or less than the number of positions to be filled at the election, the election administrator shall cancel the election and, pursuant to 13-1-304, immediately notify the governing body of the local government in writing of the cancellation. However, the governing body of the local government may by resolution require that the election be held.

(b) For an election of conservation district supervisors held in conjunction with a federal

primary or federal general election, if by the candidate filing deadline under subsection (1) the number of candidates is equal to or less than the number of positions to be filled at the election, the election administrator shall cancel the election and immediately notify the governing body of the conservation district in writing of the cancellation. However, the governing body of the conservation district may, by no later than 10 days after the candidate filing deadline, pass a resolution to require that the election be held.

(5) (a) If an election has been canceled and there is only one candidate for a position, the governing body of the local government or, if appropriate, of the conservation district shall declare the candidate elected to the position by acclamation.

(b) Except as otherwise provided by law:

(i) if an election has been canceled and there are no regular or declared write-in candidates for a position, the governing body of the local government or, if appropriate, of the conservation district shall fill the position by appointment;

(ii) an appointed member shall serve the same term as if the member were elected.""

And, as amended, be concurred in.

HB 416, be amended as follows:

1. Title, line 8.
Strike: "PROVIDING DEFINITIONS;"

2. Title, line 9.
Strike: "76-3-103,"
Following: "~~AND~~"
Insert: "AND"
Following: "76-3-625,"
Strike: "AND 76-8-101,"

3. Page 1, line 13 through page 3, line 15.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 7, line 6 through line 30.
Strike: section 5 in its entirety

And, as amended, be concurred in.

HB 422, be concurred in.
HB 520, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/15/2017
SB 329, introduced bill, be amended as follows:

1. Page 5, line 13.

Following: "attempted"
Insert: "or, if the woman is a minor, the woman's parent or guardian"

2. Page 5, line 14 through line 15.
Following: "spouse" on line 14
Strike: ", parent" on line 14 through "provider" on line 15

And, as amended, do pass.

HB 285, be concurred in.
HB 323, be concurred in.
HB 328, be amended as follows:

1. Title, page 1, line 5.
Following: "FUNDS;"
Insert: "ALLOWING TRIBAL GOVERNMENTS TO APPLY FOR GRANTS;"

2. Title, page 1, line 6.
Strike: "SECTION"
Insert: "SECTIONS 53-21-1202,"
Following: "53-21-1203,"
Insert: "AND 53-21-1204,"

3. Page 1, line 11.
Insert: "Section 1. Section 53-21-1202, MCA, is amended to read:

"53-21-1202. Crisis intervention programs -- rulemaking authority. (1) The department shall, subject to available appropriations for the purposes of this part, establish crisis intervention programs. The programs must be designed to provide 24-hour emergency admission and care of persons suffering from a mental disorder and requiring commitment in a temporary, safe environment in the community as an alternative to placement in jail.

(2) The department shall provide information and technical assistance regarding needed services and assist counties <u>and federally recognized tribal governments</u> in developing ~~county~~ plans for crisis intervention services and for the provision of alternatives to jail placement.

(3) The department may provide crisis intervention programs as:

(a) a rehabilitative service under 53-6-101(4)(j); and

(b) a targeted case management service authorized in 53-6-101(4)(n).

(4) The department shall adopt rules to:

(a) implement the grant program provided for in 53-21-1203;

(b) contract for detention beds pursuant to 53-21-1204; and

(c) pay for short-term inpatient treatment that is provided pursuant to 53-21-1205.""

Renumber: subsequent sections

4. Page 1, line 12.
Following: "**county**"
Insert: "**and tribal government**"

5. Page 1, line 15.
Following: "county"
Insert: "or federally recognized tribal government"

6. Page 1, line 20.
Strike: "county or multicounty"

7. Page 1, line 23.
Following: "historical"
Strike: "county"

8. Page 1, line 24.
Strike: "county"
Insert: "applicant"

9. Page 1, line 25.
Following: "admissions by"
Strike: "county"
Insert: "applicant region"
Strike: "of each county"
Insert: "of the applicant region"

10. Page 1, line 27.
Following: "county"
Insert: "or federally recognized tribal government"

11. Page 1, line 29.
Strike: "county"
Insert: "applicant"

12. Page 2, line 1.
Following: "county"
Strike: "or multicounty"
Insert: ", tribal, or regional"

13. Page 2, line 7.
Strike: "county"
Insert: "applicant"

14. Page 2, line 8.
Strike: "county"

15. Page 2, line 19 through 21.
Strike: "The" on line 19
Insert: "If money from the appropriation remains after grants have been allocated as provided in

subsection (4)(a), the"
Strike: ", at a minimum" on line 19 through "counties request" on line 21
Insert: "provide continued support of projects funded in the previous biennium with state matching fund grants if a county or tribal government requests"

16. Page 2, line 22 through page 24.
Strike: "If a county" on line 22 through "increased funding." on line 24
Insert: "The department shall allocate funds provided pursuant to this subsection (4)(b) according to a formula adopted by the department by rule. "

17. Page 2.
Following: line 25
Insert: "Section 3. Section 53-21-1204, MCA, is amended to read:

"53-21-1204. Department to contract for detention beds . (1) To the extent funding is appropriated for the purposes of this section, for each service area, as defined in 53-21-1001, the department shall contract with a mental health facility for psychiatric treatment beds that may be used for:

(a) inpatient crisis intervention services needed prior to an involuntary commitment petition being filed; and

(b) emergency detention under 53-21-129 and court-ordered detention under 53-21-124 after an involuntary commitment petition has been filed but before final disposition.

(2) Contracting pursuant to this section must take into consideration ~~county~~ strategic plans developed pursuant to 53-21-1201 and 53-21-1202 and local need for precommitment and short-term inpatient treatment services.

(3) Each contract must provide that for payment of costs for detention, evaluation, and treatment pursuant to subsection (1), the facility shall bill for payment of costs in the order of priority provided for under 53-21-132(2)(a).

(4) Each contract must require the collection and reporting of fiscal and program data in the time and manner prescribed by the department to support program evaluation and measure progress on performance objectives. The department shall establish baseline data on emergency and court-ordered detention admissions to the state hospital from each county and analyze the effect of contracting under this section on state hospital admissions.""
Renumber: subsequent sections

And, as amended, be concurred in.

HB 334, be concurred in.
HB 362, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/15/2017
HB 288, be concurred in.
HB 388, be concurred in.
HB 447, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 15, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, March 15, 2017, I signed the following bill:

SB 50 - J. Pomnichowski

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/15/2017

SB 6, introduced by J. Fielder
SB 28, introduced by C. Vincent
SB 107, introduced by D. Kary
SB 189, introduced by K. Regier

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/15/2017

SB 59, introduced by C. Wolken
SB 65, introduced by C. Wolken

SB 25 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 25:** 3/15/2017

Representative Mortensen, Vice Chair
Representative Ricci
Representative Schreiner

House bills passed and transmitted to the Senate for concurrence: 3/15/2017

HB 216, introduced by J. Keane
HB 442, introduced by V. Court

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 350, introduced by E. McClafferty, D. Barrett, M. Caferro, J. Cohenour, V. Court, J. Ellis, T. Facey, M. Funk, J. Gross, D. Hayman, J. Keane, K. Kelker, M. MacDonald, S. Malek, M. McNally, R. Peppers, M. Phillips, G. Pierson, J. Pomnichowski, M. Ryan, J. Sesso, B. Smith, F. Smith, K. Swanson, G. Vuckovich, L. Whitford, C. Wolken, T. Woods, referred to Taxation.
SB 351, introduced by D. Barrett, referred to Taxation.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 52, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 53, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced and read first time:

HB 216, introduced by J. Keane, T. Richmond.
HB 442, introduced by V. Court, J. Karjala, K. Kelker, M. MacDonald, K. McCarthy, M. McNally, J. Patelis, T. Richmond, R. Webb, D. Zolnikov.

MOTIONS

Majority Leader Thomas moved **SB 190** be taken from the second reading agenda this date and placed on second reading on Tuesday, March 21, 2017, the fifty-ninth legislative day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 38 - Senator Connell moved **HB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 124 - Senator Cohenour moved **HB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 156 - Senator Ankney moved **HB 156** be concurred in.

HB 156 - Senator Ankney moved **HB 156**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Strike: "MAKING PERMANENT"
Insert: "EXTENDING"

2. Title, page 1, line 5.
Following: "FUND;"
Strike: "REPEALING"
Insert: "AMENDING"

3. Page 1, line 10.
Strike: section 1 in its entirety
Insert: "Section 1. Section 5, Chapter 442, Laws of 2009, is amended to read:
"Section 5. Termination. [This act] terminates June 30, ~~2019~~ 2027.""

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 156 - Bill, as amended was concurred in:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 337 - Senator Vincent moved **HB 337** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 498 - Senator Hinkle moved **HB 498** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 282 - Senator Vincent moved **HB 282** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Keenan, Vance.
Total 2

Absent or not voting: None.

Total 0

Excused: Gross.
Total 1

SB 62 - **House Amendments** - Senator Wolken moved House amendments to **SB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 65 - **Governor's Amendments** - Senator Swandal moved Governor's amendments to **HB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 172 - **Conference Committee Report No. 1** - Senator Buttrey moved the Conference Committee report to **HB 172** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Brown, Fielder, MacDonald, Pomnichowski, Regier, Salomon, Swandal.
Total 7

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SB 235 - Senator Richmond moved **SB 235** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Sands.
Total 1

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 220 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 342 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Barrett, Boland, Cohenour, MacDonald, Pomnichowski, Sands.
Total 6

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 370 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

MOTIONS

Senator Caferro moved to change her vote on **SB 235** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 17, 2017, the fifty-sixth legislative day. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 17, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Sands. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Gross and Howard excused. Quorum present.

Rebekah Mohr, a member of the Senate staff, entertained the Senate with Irish songs on the violin.

BILLS AND JOURNALS (Keenan, Chair): 3/17/2017
Correctly printed: **SB 235**, **SB 350**, **SB 351**, **SR 49**, **SR 52**, **SR 53**, **HB 38**, **HB 44**, **HB 62**, **HB 124**, **HB 201**, **HB 217**, **HB 282**, **HB 285**, **HB 288**, **HB 323**, **HB 334**, **HB 337**, **HB 338**, **HB 345**, **HB 362**, **HB 388**, **HB 422**, **HB 447**, **HB 498**, **HB 500**, **HB 520**, **HB 523**.
Correctly engrossed: **HB 126**, **HB 129**, **HB 147**, **HB 149**, **HB 156**, **HB 251**.
Correctly enrolled: **SB 2**, **SB 6**, **SB 28**, **SB 67**, **SB 91**, **SB 165**, **SB 189**.
Examined by the sponsor and found to be correct: **SB 2**, **SB 6**, **SB 28**, **SB 67**, **SB 91**, **SB 165**.
Signed by the President at 10:00 a.m., March 17, 2017: **SB 108**, **SB 137**.
Signed by the Secretary of the Senate at 11:10 a.m., March 17, 2017: **SB 108**, **SB 137**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 3/16/2017
SR 49, be adopted.
HB 126, be amended as follows:

1. Title, page 1, line 15.
Following: "~~MCA~~;"
Insert: "REPEALING SECTION 80-8-214, MCA;"
Strike: "AN IMMEDIATE"
Strike: "DATE"
Insert: "DATES"

2. Page 18, line 6 through line 10.
Strike: section 9 in its entirety
Renumber: subsequent sections

3. Page 21.
Following: line 12
Insert: "NEW SECTION. **Section 14. Repealer.** The following section of the Montana Code Annotated is repealed:

80-8-214. Liability."
Renumber: subsequent sections

4. Page 21, line 20
Strike: "date"
Insert: "dates"
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

5. Page 21, line 21.
Insert: "(2) [Section 14] is effective October 1, 2019."

And, as amended, be concurred in.

HB 338, be concurred in.
HB 345, be concurred in.
HB 523, be concurred in.

JUDICIARY (Regier, Chair): 3/17/2017
HB 251, be amended as follows:

1. Page 1, line 12.
Following: "FIREARM"
Strike: "OR" through "45-2-101"

2. Page 1, line 19.
Strike: "**weapons**"
Insert: "firearms"

3. Page 1, line 22.
Strike: "or other" through "45-2-101"

4. Page 1, line 27.
Strike: "any" through "(1)"
Insert: "a firearm"

And, as amended, be concurred in.

HB 273, be concurred in.

TAXATION (Blasdel, Chair): 3/17/2017
HB 30, be concurred in.
HB 396, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 25**
Report No. 001, March 16, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 25** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 25** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 7.
Following: "LAWS;" on line 5
Strike: "PROVIDING THAT" on line 5 through "SPORTS LEAGUES;" on line 7

2. Page 2, line 27.
Following: ";"
Insert: "or"

3. Page 2, line 29 through page 3, line 7.
Strike: "; or" on page 2, line 29 through "OLDER" on page 3, line 7.

For the Senate:
Blasdel, Chair
Buttrey
Facey

For the House:
Mortensen, Vice Chair
Ricci
Schreiner

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/16/2017

SB 182, introduced by M. Lang
SB 228, introduced by D. Ankney
SB 318, introduced by C. Boland

Senate bill concurred in and returned to the Senate: 3/17/2017

SB 229, introduced by F. Moore

House bills passed and transmitted to the Senate for concurrence: 3/16/2017

HB 308, introduced by C. Schreiner
HB 434, introduced by K. Flynn

HB 564, introduced by J. Patelis

House bill passed and transmitted to the Senate for concurrence: 3/17/2017

HB 2, introduced by N. Ballance

Senate amendments to House bills concurred in: 3/16/2017

HB 3, introduced by N. Ballance
HB 148, introduced by D. Zolnikov
HB 256, introduced by C. Knudsen

Conference Committee Report No.1 adopted: 3/16/2017

HB 172, introduced by R. Fitzgerald

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 352, introduced by A. Olszewski, N. Ballance, S. Berglee, M. Blasdel, D. Brown, E. Buttrey, A. Doane, J. Essmann, J. Fielder, G. Hertz, S. Hinebauch, J. Hinkle, M. Hopkins, D. Howard, D. Kary, B. Keenan, T. Manzella, M. Noland, R. Osmundson, A. Redfield, K. Regier, D. Salomon, C. Smith, N. Swandal, F. Thomas, G. Vance, K. Wagoner, R. Webb, D. Zolnikov, referred to State Administration.
SB 353, introduced by E. Buttrey, F. Moore, F. Thomas, referred to Taxation.

The following Senate bill was introduced and read first time:

SB 354, introduced by M. Caferro, K. Abbott, J. Cohenour, P. Connell, R. Cook, G. Custer, J. Eck, T. Gauthier, B. Grubbs, B. Hamlett, J. Keane, J. Knokey, W. McKamey, S. Morigeau, R. Peppers, M. Phillips, T. Richmond, W. Sales, D. Salomon, D. Sands, J. Sesso, R. Shaw, F. Smith, S. Stewart-Peregoy, R. Tempel, R. Webb, T. Welch, L. Whitford, J. Windy Boy.

The following House bills were introduced, read first time, and referred to committees:

HB 2, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 308, introduced by C. Schreiner, referred to Taxation.
HB 434, introduced by K. Flynn, D. Bartel, B. Brown, J. Cohenour, A. Doane, R. Fitzgerald, W. Galt, C. Glimm, S. Gunderson, B. Hamlett, B. Harris, D. Kary, D. Mortensen, A. Redfield, B. Tschida, Beard, Jacobson, Knokey, A. Knudsen, C. Knudsen, Loge, and Vinton, referred to Fish and Game.
HB 564, introduced by J. Patelis, M. Blasdel, R. Cook, A. Curtis, R. Fitzgerald, W. Galt, E. Hill

Smith, M. Hopkins, J. Keane, J. Knokey, S. Lavin, R. Lynch, D. Mortensen, R. Shaw, D. Skees, S. Vinton, D. Zolnikov, referred to Business, Labor, and Economic Affairs.

The following House bills, previously introduced, were referred to committees:

HB 216, introduced by J. Keane, T. Richmond, referred to Energy and Telecommunications.
HB 442, introduced by V. Court, J. Karjala, K. Kelker, M. MacDonald, K. McCarthy, M. McNally, J. Patelis, T. Richmond, R. Webb, D. Zolnikov, referred to Taxation.

MOTIONS

Majority Leader Thomas moved to take **HB 358** from today's second reading agenda and place it on second reading Wednesday, March 22, 2017. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Richmond in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 137 - Senator Facey moved **HB 137** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Hinebauch, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Fielder, Gauthier, Hinkle, Kary, Keenan, Lang, Moore, Olszewski, Vincent, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 145 - Senator Fitzpatrick moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 470 - Senator Salomon moved **HB 470** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 421 - Senator L. Jones moved **HB 421** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

SB 299 - Senator Thomas moved consideration of **SB 299** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 20 - Senator Connell moved **HB 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 22 - Senator Ankney moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 297 - Senator Wolken moved **HB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 208 - Senator Swandal moved **HB 208** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

Senator Phillips assumed the chair.

SB 299 - Senator Richmond moved **SB 299** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Brown, Caferro, Cohenour, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Richmond moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: MacDonald, Sands.
Total 2

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 62, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

SB 235 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 38 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 65, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 124 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 172, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Lang, McClafferty, McNally, Moore, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Brown, Keenan, MacDonald, Malek, Olszewski, Pomnichowski, Regier, Salomon, Smith

F.
Total 9

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 282 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Brown, Hinkle, Keenan, Vance, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 337 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

HB 498 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Howard.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

MOTIONS

Majority Leader Thomas moved that **HB 22**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 20, 2017, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 1:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 20, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator McClafferty. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Keenan excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/20/2017
Correctly printed: **SB 299**, **SB 352**, **SB 353**, **HB 20**, **HB 22**, **HB 30**, **HB 137**, **HB 145**, **HB 208**, **HB 273**, **HB 297**, **HB 396**, **HB 421**, **HB 470**.
Correctly enrolled: **SB 107**, **SB 182**, **SB 228**, **SB 229**, **SB 318**.
Examined by the sponsor and found to be correct: **SB 189**.
Transmitted to the House: **SB 235**, **HB 38**, **HB 124**, **HB 220**, **HB 282**, **HB 337**, **HB 342**, **HB 370**, **HB 498**.
Signed by the President at 10:29 a.m., March 20, 2017: **SB 2**, **SB 6**, **SB 28**, **SB 67**, **SB 91**, **SB 165**.
Signed by the Secretary of the Senate at 10:57 a.m., March 20, 2017: **SB 2**, **SB 6**, **SB 28**, **SB 67**, **SB 91**, **SB 165**.
Signed by the Speaker at 9:00 a.m., March 20, 2017: **SB 108**, **SB 137**.
Delivered to the Governor at 11:52 a.m., March 20, 2017: **SB 108**, **SB 137**.

Senator Blasdel introduced the Pages for the coming week:

Kye McCollaum from Darby, sponsored by Senator Webb
Lane McAlpine from Valier, sponsored by Senator Jones
Dante Fipula Ankney from Laurel, sponsored by Senator Ankney
Madison Thiel from Sidney, sponsored by Representative Staffanson
Ana Strong Garcia from Billings, sponsored by Senator McNally

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 355, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.
SB 356, introduced by E. Buttrey, D. Ankney, P. Connell, L. Jones, T. Richmond, referred to Business, Labor, and Economic Affairs.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 54, introduced by K. Regier, referred to Judiciary.

The following Senate bills were introduced and read first time:

SB 357, introduced by D. Kary, D. Ankney, D. Bartel, M. Blasdel, P. Connell, B. Harris, S. Hinebauch, M. Lang, F. Moore, D. Mortensen, J. Patelis, T. Richmond, D. Skees, S. Staffanson, R. Tempel, B. Tschida, B. Usher, S. Vinton, P. Webb, R. Webb.
SB 358, introduced by J. Cohenour, D. Barrett, C. Boland, M. Caferro, T. Facey, M. MacDonald, S. Malek, E. McClafferty, M. McNally, M. Phillips, J. Pomnichowski, D. Sands, J. Sesso, F. Smith, G. Vuckovich, L. Whitford, C. Wolken.

The following Senate bill, previously introduced, was referred to committee:

SB 354, introduced by M. Caferro, K. Abbott, J. Cohenour, P. Connell, R. Cook, G. Custer, J. Eck, T. Gauthier, B. Grubbs, B. Hamlett, J. Keane, J. Knokey, W. McKamey, S. Morigeau, R. Peppers, M. Phillips, T. Richmond, W. Sales, D. Salomon, D. Sands, J. Sesso, R. Shaw, F. Smith, S. Stewart-Peregoy, R. Tempel, R. Webb, T. Welch, L. Whitford, J. Windy Boy, referred to Taxation.

Senator Keenan joined the Senate at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pomnichowski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 175 - Senator C. Smith moved **HB 175** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 539 - Senator Osmundson moved **HB 539** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 57 - Senator Blasdel moved **SB 57** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 37

Nays: Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 183 - Senator C. Smith moved **HB 183** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally,

Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Boland, Caferro, MacDonald, Malek, McClafferty, Pomnichowski, Smith F, Vuckovich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 173 - Senator Cohenour moved **SB 173** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 187 - Senator Cohenour moved **SB 187** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 144 - Senator Fitzpatrick moved **HB 144** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McNally, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Smith F, Tempel, Thomas, Vuckovich.
Total 23

Nays: Brown, Buttrey, Caferro, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Phillips, Regier, Sesso, Small, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 144 - Majority Leader Thomas moved **HB 144** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Hinkle, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 17

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 471 - Senator Fitzpatrick moved **HB 471** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 485 - Senator D. Brown moved **HB 485** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 509 - Senator Richmond moved **HB 509** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Brown, Hinebauch, Hinkle, Kary, Smith C, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 299 passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 20 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 137 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Fielder, Gauthier, Kary, Keenan, Lang, Moore, Olszewski, Smith C, Smith F, Swandal, Vincent, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 156 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 208 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 421 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 470 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 144**, heard on second reading this date, be re-referred to the Highways and Transportation Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, March 21, 2017, the fifty-eighth legislative day. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 21, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Osmundson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/21/2017

Correctly printed: **SB 57**, **SB 173**, **SB 187**, **SB 354**, **SB 355**, **SB 356**, **SR 54**, **HB 175**, **HB 183**, **HB 471**, **HB 485**, **HB 509**, **HB 539**.

Correctly engrossed: **SB 313**, **SB 340**, **SB 344**, **HB 70**, **HB 168**, **HB 266**, **HB 364**.

Correctly enrolled: **SB 62**.

Transmitted to the House: **SB 299**, **HB 20**, **HB 137**, **HB 145**, **HB 156**, **HB 208**, **HB 297**, **HB 421**, **HB 470**.

Signed by the President at 5:00 p.m., March 20, 2017: **SB 107**, **SB 182**, **SB 189**, **SB 228**, **SB 229**, **SB 318**.

Signed by the Secretary of the Senate at 7:18 a.m., March 21, 2017: **SB 107**, **SB 182**, **SB 189**, **SB 228**, **SB 229**, **SB 318**.

Signed by the Speaker at 4:50 p.m., March 20, 2017: **SB 2**, **SB 6**, **SB 28**, **SB 67**, **SB 91**, **SB 165**.

Signed by the Speaker at 11:30 a.m., March 21, 2017: **SB 107**, **SB 182**, **SB 189**, **SB 228**, **SB 229**, **SB 318**.

Delivered to the Governor at 10:30 a.m., March 21, 2017: **SB 2**, **SB 6**, **SB 28**, **SB 67**, **SB 91**, **SB 165**.

Delivered to the Governor at 12:47 p.m., March 21, 2017: **SB 107**, **SB 182**, **SB 189**, **SB 228**, **SB 229**, **SB 318**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/21/2017

SB 340, introduced bill, be amended as follows:

1. Page 13, line 24 through line 26.
Strike: ":" on line 24 through "(B)" on line 26

And, as amended, do pass.

SB 344, introduced bill, be amended as follows:

1. Page 3, line 5 through line 12.
Strike: line 5 through line 12

Insert: "(b) A person claiming a security interest in a liquor license may submit to the department copies of documents evidencing the security interest, the license number, and a $30 notification fee. The department shall deposit the fee as provided in 16-2-108. The department may create and provide a form to be used for this purpose.

(c) The department shall notify by certified mail those that have filed information provided in subsection (4)(b):

(i) at least 20 days prior to issuance of an order of default for revocation, nonrenewal, or lapse of a license; or

(ii) immediately after the department's office of dispute resolution has issued a decision to uphold the department's revocation or nonrenewal of a license under 16-4-406 or lapse of a license under 16-3-310."

And, as amended, do pass.

HB 496, be amended as follows:

1. Title, page 1, line 4.
Following: "EMPLOYEES OF"
Insert: "CERTAIN"

2. Title, page 1, line 5.
Strike: "MINIMUM WAGE AND"

3. Page 2, line 23.
Following: "~~or~~"
Insert: "or"

4. Page 2, line 25 through line 26.
Strike: "; or" on line 25 through "provider" on line 26

5. Page 5.
Following: line 4
Insert: "(u) a person employed by a seasonal outdoor recreation service provider that operates a dude ranch, guest ranch, or outfitting business licensed under Title 37 or an unlicensed outfitting business;"
Renumber: subsequent subsections

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 3/21/2017
SB 94, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 12.
Following: "DEFINITIONS;"
Strike: "PROVIDING " on line 9 through "JURISDICTIONS;" on line 12

2. Page 2, line 1.
Following: "taxation"
Strike: "SUBJECT TO THE LIEN AND REPAYMENT PROVISIONS OF [SECTIONS 2 THROUGH 10]"

3. Page 2, line 14.
Following: "residence;"
Strike: "and"
Insert: "(ii) an affirmation that the land has been owned by the applicant or a family member of the applicant within the third degree of consanguinity for at least 30 consecutive years; and"
Renumber: subsequent subsections

4. Page 2, line 21 through line 23.
Strike: subsection (7) in its entirety
Renumber: subsequent sections

5. Page 2, line 24.
Strike: "[SECTIONS 1 THROUGH 10],"
Insert: "this section"

6. Page 2, line 30.
Strike: "(8)(A)(I)"
Insert: "(7)(a)(i)"

7. Page 3, line 3 through page 3, line 5.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

8. Page 3, line 17 through page 9, line 23.
Strike: section 2 through section 10 in their entirety
Renumber: subsequent sections

9. Page 14, line 14.
Strike: "[SECTIONS 1 THROUGH 10] ARE"
Insert: "[Section 1] is"

10. Page 14, line 16.
Strike: "[SECTIONS 1 THROUGH 10] "
Insert: "[section 1]"

And, as amended, do pass.

HB 22, be amended as follows:

1. Page 2, line 27.

Strike: "GENERAL FUND"
Insert: "coal natural resource account established in 90-6-1001(2)"

2. Page 3, line 2.
Strike: "GENERAL FUND"
Insert: "coal natural resource account established in 90-6-1001(2)"

And, as amended, be concurred in.

HB 64, be concurred in.
HB 209, be concurred in.

JUDICIARY (Regier, Chair): 3/21/2017
HB 70, be amended as follows:

1. Page 2, line 20.
Following: "as guardians"
Insert: ", to public defenders and district court judges who are handling guardianship cases,"

2. Page 2, line 25.
Following: line 25
Insert: "(3) Grant funds may not be allocated to or used by any organization or individual that serves on the working interdisciplinary network of guardianship stakeholders."
Renumber: subsequent subsection

And, as amended, be concurred in.

HB 168, be amended as follows:

1. Page 1, line 11.
Following: "(1)"
Insert: "(a)"
Following: "offense"
Insert: "or offenses"

2. Page 1, line 12.
Following: "offense"
Insert: "or offenses"

3. Page 1, line 14.
Following: line 14
Insert: "(b) The district court must determine whether a victim is entitled to notification of the request for expungement as provided in Article II, section 36, subsection(1)(q), of the Montana constitution. If a victim is identified by the district court, the prosecution office responsible for the conviction for which expungement is being requested must attempt to

notify the victim. If the victim appears, the victim must be given an opportunity to respond."

4. Page 1, line 24.
Following: "offense"
Insert: ", or does not have charges pending for the commission of a new offense, as verified by the prosecution office responsible for the conviction for which expungement is being requested"

5. Page 1, line 28.
Following: "PART 4."
Insert: "The prosecution office that prosecuted the offense for which expungement is being requested must be notified of the request and be given an opportunity to respond and argue against the expungement. In making the determination of whether expungement should be granted, the district court must consider, in addition to any other factors, the age of the petitioner at the time the offense was committed, the length of time between the offense and the request, the rehabilitation of the petitioner, and the likelihood that the person will reoffend."

6. Page 2, line 10.
Strike: "DETERMINING PRIOR CONVICTIONS"
Insert: "validating the person's identity"

And, as amended, be concurred in.

NATURAL RESOURCES (Vincent, Chair): 3/20/2017
SB 313, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "CREATING EXEMPTIONS FROM FLOOD PLAIN PERMITTING"
Insert: "ALLOWING VARIANCES"

2. Title, page 1, line 5.
Following: "STREAM RESTORATION PROJECTS"
Insert: "LOCATED IN A FLOOD PLAIN"
Following: "RULEMAKING;"
Insert: "PROVIDING LEGISLATIVE INTENT; REQUIRING AN APPLICATION FEE;"

3. Page 1, line 20.
Strike: "Stream"
Insert: "Variance for stream"
Strike: "-- exemption"

Following: "rulemaking"
Insert: "-- legislative intent"

4. Page 1, line 21.
Strike: "stream restoration projects to be exempt"
Insert: "for variances"

5. Page 1, line 22.
Following: "regulations"
Insert: "for stream restoration projects"

6. Page 1, line 25.
Following: "not limited to"
Insert: ":
(a)"
Following: "establishment of"
Insert: "eligibility criteria, including"

7. Page 1, line 26.
Strike: subsection (a) in its entirety

8. Page 1, line 27.
Strike: "(b)"
Insert: "(i)"
Strike: "criteria for an exemption that includes"

9. Page 1, line 27 through line 28.
Strike: "more than" on line 27 through "1,000 linear feet" on line 28

10. Page 1, line 29.
Strike: "(c)"
Insert: "(ii)"

11. Page 1, line 30.
Strike: "to be eligible for an exemption,"

12. Page 2, line 1.
Following: "surrounding property"
Insert: ";
(b) the variance procedure used in 76-5-405;
(c) a procedure for the local flood plain administrator to approve a variance; and
(d) the establishment of a $25 submission fee for a variance application.
(4) It is the legislature's intent that rules adopted under this part ensure eligibility for property owners under the national flood insurance program administered by the federal emergency management agency"

And, as amended, do pass.

SB 342, do pass.
HB 99, be concurred in.
HB 140, be concurred in.
HB 228, be concurred in.
HB 360, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/20/2017
HB 266, be amended as follows:

1. Page 2, line 22 through line 23.
Following: "individual" on line 22
Strike: "and" on line 22 through "is" on line 23
Insert: "that are provided through the children's health insurance program, medicaid, or medicare, including but"

And, as amended, be concurred in.

HB 364, be amended as follows:

1. Page 2, line 3.
Following: "asked"
Insert: "by a representative of the place or accommodation"

2. Page 2, line 21.
Strike: "PERSON"
Insert: "representative of a place or accommodation mentioned in 49-4-211"
Following: "DOG"
Insert: "at the place or accommodation"

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/20/2017
HB 103, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 17, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointment for confirmation.

! Department of Commerce, Director, **Ms. Pam Haxby-Cote**, 109 Winke Way, Butte, MT 59701, appointed effective March 27, 2017.

If you need additional information, please call Stacey Otterstrom, Boards and Appointments Advisor at extension 4405.

Sincerely,

STEVE BULLOCK
Governor

March 17, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

Commission for Human Rights
MCA 2-15-1706

! Theresa Doty, 2800 White Blvd., Butte, MT 59701, was appointed to serve a term starting April 3, 2017 and ending January 1, 2021. Ms. Doty fulfills the qualifications of Public Representative for the Commission.

! Michael Murray, 607 W. Lawrence Street, Helena, MT 59601, was appointed to serve a term starting April 3, 2017 and ending January 1, 2021. Mr. Murray fulfills the qualifications of Public Representative for the Commission.

! Christopher Pope, 1508 South Willson Avenue, Bozeman, MT 59715, was appointed to serve a term starting April 3, 2017 and ending January 1, 2021. Mr. Pope fulfills the qualifications of Public Representative for the Commission.

Board of Oil and Gas Conservation
MCA 2-15-3303

! Mac McDermott, 406 5th Ave S, Shelby, MT 59474, was appointed to serve a term starting March 17, 2017 and ending January 1, 2021. Mr. McDermott fulfills the qualifications of Member from the oil and gas industry for the Board.

! Peggy Ames Nerud, PO Box 118, Circle, MT 59215, was reappointed to serve a term starting March 17, 2017 and ending January 1, 2021. Mrs. Nerud fulfills the qualifications of Public Representative for the Board.

! Dennis Trudell, 34410 CR 147, Fairview, MT 59221, was appointed to serve a term starting March 17, 2017 and ending January 1, 2021. Mr. Trudell fulfills the qualifications of Landowner residing in oil or gas producing counties of the state, but not actively associated with the oil and gas industry, who owns the mineral rights with the surface for the Board.

! Corey Welter, 100 N 27th Street, Suite 520, Billings, MT 59101, was reappointed to serve a term starting March 17, 2017 and ending January 1, 2021. Mr. Welter fulfills the qualifications of Member from the oil and gas industry for the Board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

March 20, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, March 20, 2017, I signed the following bills:

SB 4 - D. Sands
SB 82 - A. Olszewski

I also returned **SB 131**--F. Thomas to the Secretary of State's Office without signature.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

HB 131 - The House failed to concur in Senate amendments to **HB 131,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 131:** 3/20/2017

Representative Cook
Representative Lenz
Representative Perry

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 359, introduced by M. Blasdel, E. Buttrey, W. Galt, A. Hertz, J. Knokey, A. Knudsen, S. Lavin, R. Lynch, D. Mortensen, J. Patelis, F. Thomas, G. Vuckovich, R. Webb, referred to Taxation.
SB 360, introduced by A. Olszewski, referred to Judiciary.
SB 361, introduced by C. Vincent, referred to Education and Cultural Resources.
SB 362, introduced by E. Buttrey, J. Sesso, C. Smith, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 21, introduced by D. Sands, C. Boland, M. Caferro, J. Pomnichowski, J. Welborn, referred to Local Government.

The following Senate bills, previously introduced, were referred to committees:

SB 357, introduced by D. Kary, D. Ankney, D. Bartel, M. Blasdel, P. Connell, B. Harris, S. Hinebauch, M. Lang, F. Moore, D. Mortensen, J. Patelis, T. Richmond, D. Skees, S. Staffanson, R. Tempel, B. Tschida, B. Usher, S. Vinton, P. Webb, R. Webb, referred to Energy and Telecommunications.
SB 358, introduced by J. Cohenour, D. Barrett, C. Boland, M. Caferro, T. Facey, M. MacDonald, S. Malek, E. McClafferty, M. McNally, M. Phillips, J. Pomnichowski, D. Sands, J. Sesso, F. Smith, G. Vuckovich, L. Whitford, C. Wolken, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 198 - Senator Facey moved consideration of **HB 198** be passed for the day. Without objection, so ordered.

SB 190 - Senator Phillips moved **SB 190** do pass. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 190 - Senator Phillips moved **SB 190** be **indefinitely postponed**. Motion carried as

follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 126 - Senator Osmundson moved **HB 126** be concurred in. Before voting, Senator Connell disclosed he is a licensed professional applicator of pesticides. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Blasdel, Brown, Hinkle, Keenan, Regier, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 338 - Senator Lang moved **HB 338** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 345 - Senator Sands moved **HB 345** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Gross.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 523 - Senator Tempel moved **HB 523** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: Malek, Whitford.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 393 - Senator Small moved **HB 393** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 42

Nays: Boland, Brown, Caferro, Gross, McClafferty, Sesso, Vance, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 500 - Senator Vuckovich moved **HB 500** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 248 - Senator Boland moved **HB 248** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 341 - Senator Olszewski moved **SB 341** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Cohenour, Gross, MacDonald.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 349 - Senator R. Webb moved **HB 349** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 35

Nays: Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sesso, Tempel, Welborn, Whitford, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 350 - Senator R. Webb moved **HB 350** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172 - Senator Lang moved **SB 172** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: Blasdel, Brown, Smith F, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 - Senator R. Webb moved **SB 276** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel,

Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 - Senator Malek moved **SB 280** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 39

Nays: Caferro, Fitzpatrick, Howard, Kary, Keenan, Lang, Smith C, Thomas, Vance, Webb, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour, Malek.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 363, introduced by C. Vincent, referred to Natural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 57 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 38

Nays: Brown, Fielder, Hinebauch, Hinkle, Keenan, Regier, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 173 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 187 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 175 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 183 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick,

Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Boland, Caferro, MacDonald, McClafferty, Pomnichowski, Sesso, Smith F, Vuckovich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 471 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 485 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 509 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Whitford, Wolken.
Total 42

Nays: Brown, Hinebauch, Hinkle, Kary, Smith C, Vincent, Welborn, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 539 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 353** be taken from the Taxation Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so

ordered.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 131**. Without objection, so ordered. President Sales appointed:
Senator Hoven, Chair
Senator Osmundson
Senator F. Smith

Majority Leader Thomas moved the Senate suspend the rules and reconsider its action on **HB 141** which was indefinitely postponed February 13, 2017. Motion passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Brown, Kary, Olszewski, Osmundson, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved that **HB 141** be referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 22, 2017, the fifty-ninth legislative day. Motion carried.

Senate adjourned at 2:59 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 22, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by President Sales. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/22/2017
Correctly printed: **SB 172**, **SB 276**, **SB 280**, **SB 341**, **SB 342**, **SB 357**, **SB 358**, **SB 359**, **SB 360**, **SB 361**, **SB 362**, **SB 363**, **SJ 21**, **HB 64**, **HB 99**, **HB 103**, **HB 126**, **HB 140**, **HB 209**, **HB 228**, **HB 248**, **HB 338**, **HB 345**, **HB 349**, **HB 350**, **HB 360**, **HB 393**, **HB 500**, **HB 523**.
Correctly engrossed: **SB 94**, **SB 343**, **HB 22**, **HB 496**.
Correctly enrolled: **SB 97**, **SB 128**, **SB 264**.
Examined by the sponsor and found to be correct: **SB 62**.
Transmitted to the House: **SB 57**, **SB 173**, **SB 187**, **HB 175**, **HB 183**, **HB 471**, **HB 485**, **HB 509**, **HB 539**.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/21/2017
SB 336, do pass.
HB 374, be concurred in.

JUDICIARY (Regier, Chair): 3/21/2017
SR 50, be adopted.

JUDICIARY (Regier, Chair): 3/22/2017
HB 280, be concurred in.
HB 306, be concurred in.

TAXATION (Blasdel, Chair): 3/21/2017
SB 343, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "COMMUNITY DEVELOPMENT"
Insert: "INFRASTRUCTURE"

2. Title, page 1, line 6.
Following: "ELECTORS;"
Insert: "PROHIBITING A TAX INCREASE FOR A RESORT COMMUNITY WITH A POPULATION

IN EXCESS OF THE AMOUNT REQUIRED FOR FORMATION OF A RESORT COMMUNITY;"

3. Page 1, line 15.
Following: line 14
Insert: "(2) "Infrastructure" means drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges."
Renumber: subsequent subsections

4. Page 2, line 19.
Following: "(b)"
Insert: "(i)"
Strike: "An"
Insert: "Subject to subsection (1)(b)(ii), an"

5. Page 2, line 21.
Strike: "community development"
Insert: "infrastructure"

6. Page 2, line 22.
Following: line 21
Insert: "(ii) A resort community with a population of more than the amount provided in 7-6-1501(9)(b) may not levy an additional resort tax under the provisions of subsection (1)(b)(i) of this section."

7. Page 3, line 19.
Strike: "community development"
Insert: "infrastructure"

8. Page 3, line 20.
Strike: "community development"
Insert: "infrastructure"

9. Page 3, line 27.
Strike: "A"
Insert: "Subject to 7-6-1503(1)(b)(ii), a"

10. Page 4, line 1.
Strike: "community development"
Insert: "infrastructure"

11. Page 4, line 24.
Strike: "community development"
Insert: "infrastructure"

12. Page 5, line 10.
Strike: ";"
Insert: ":"

13. Page 5, line 11 through line 12.
Strike: "community" on page 5, line 11 through "development" on page 5, line 12
Insert: "infrastructure"

14. Page 5, line 16.
Strike: "community development"
Insert: "infrastructure"

15. Page 5, line 28.
Strike: "community development"
Insert: "infrastructure"

16. Page 6, line 5.
Strike: "community development"
Insert: "infrastructure"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/21/2017

SB 97, introduced by K. Regier
SB 128, introduced by D. Salomon
SB 264, introduced by N. Swandal

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/21/2017

SB 40, introduced by J. Sesso

House bills passed and transmitted to the Senate for concurrence: 3/21/2017

HB 428, introduced by D. Jones
HB 445, introduced by E. Greef
HB 562, introduced by C. Knudsen
HB 565, introduced by R. Cook

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committee:

SB 364, introduced by A. Olszewski, referred to Taxation.
SB 365, introduced by T. Facey, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 428, introduced by D. Jones, D. Bartel, M. Blasdel, E. Greef, D. Lenz, W. McKamey, J. Trebas, B. Tschida, referred to Business, Labor, and Economic Affairs.
HB 445, introduced by E. Greef, referred to Local Government.
HB 562, introduced by C. Knudsen, M. Blasdel, M. Hopkins, D. Jones, A. Knudsen, T. Manzella, D. Mortensen, A. Rosendale, R. Shaw, D. Skees, referred to Highways and Transportation.
HB 565, introduced by R. Cook, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 198 - Senator Facey moved consideration of **HB 198** be passed for the day. Without objection, so ordered.

HB 44 - Senator MacDonald moved **HB 44** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Fielder, Hinkle, Keenan, Smith C, Vance, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 62 - Senator Swandal moved **HB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 129 - Senator K. Regier moved **HB 129** be concurred in.

HB 129 - Senator K. Regier moved **HB 129**, second reading copy, be amended as follows:

1. Page 2, line 2.
Following: "THREATEN"
Insert: ", financially profit"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 129 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 39

Nays: Caferro, Cohenour, Facey, Malek, McClafferty, McNally, Pomnichowski, Sesso, Swandal, Whitford, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 147 - Senator Fielder moved **HB 147** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 149 - Senator Hinebauch moved **HB 149** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 201 - Senator Swandal moved **HB 201** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 273 - Senator Sands moved **HB 273** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 200 - Senator MacDonald moved **HB 200** be concurred in. Motion carried as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 27

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 245 - Senator Buttrey moved **HB 245** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 316 - Senator Gauthier moved **HB 316** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 405 - Senator Gauthier moved **HB 405** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 416 - Senator Buttrey moved **HB 416** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 422 - Senator Hoven moved **HB 422** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken.
Total 43

Nays: Hinkle, Howard, Keenan, Smith C, Swandal, Whitford, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 520 - Senator Pomnichowski moved **HB 520** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Kary.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 217 - Senator Hinkle moved **HB 217** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, Sands, Smith F,

Vuckovich, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 358 - Senator Fitzpatrick moved **HB 358** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 251 - Senator Hinkle moved **HB 251** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 37

Nays: Boland, Caferro, Cohenour, Facey, Gross, Malek, McClafferty, Pomnichowski, Sands, Sesso, Tempel, Whitford, Wolken.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair R. Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Fielder, Chair): 3/21/2017
SB 185, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "AMENDING" on line 5 through "MCA;" on line 6

2. Page 1, line 11.
Strike: "EXCEPT FOR A MOUNTAIN SHEEP TAKEN WITH A LICENSE ISSUED PURSUANT TO 87-2-722, A"
Insert: "A"

3. Page 1.
Following: line 17
Insert: "(3) For the purposes of this section, the term "game animal" does not include grizzly bear."

4. Page 1, line 26 through page 2, line 14.
Strike: section 3 through section 4 in their entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 236, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 11.
Following: "CONSTITUTION"
Strike: remainder of line 5 through "WILDLIFE" on line 11
Insert: "TO PROTECT THE RIGHTS OF MONTANA CITIZENS TO HUNT, FISH, TRAP, AND HARVEST WILD FISH AND WILDLIFE; ESTABLISHING THAT HUNTING, FISHING, AND TRAPPING IS THE PREFERRED MANNER OF MANAGING WILD FISH AND WILDLIFE; ALLOWING FOR NECESSARY AND PROPER MANAGEMENT AND CONSERVATION STATUTES AND REGULATIONS; MAINTAINING THAT THIS RIGHT DOES NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY OR DIMINUTION OF OTHER PRIVATE RIGHTS"

2. Page 1, line 16 through line 26.
Following: "**heritage.**"
Strike: remainder of line 16 through line 26
Insert: "The citizens of Montana have the right to hunt, fish, trap, and harvest wild fish and wildlife, including the use of customary means and methods. Hunting, fishing, and trapping by citizens is the preferred manner of managing wild fish and wildlife and is subject to necessary and proper management and conservation statutes enacted by the legislature and regulatory authority delegated by the legislature to a designated public agency or commission. The right to harvest wild fish and wildlife is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or a diminution of other private rights."

And, as amended, do pass.

HB 108, be amended as follows:

1. Page 1, line 17.
Following: "members"
Insert: "for traditional purposes"
Following: "All parts of"
Insert: "a"

2. Page 1, line 18.
Following: "this section"
Insert: "must be removed from the site of the kill and"

3. Page 1, line 27.
Strike: subsection (e) in its entirety
Renumber: subsequent subsections

4. Page 1.
Following: line 30

Insert: "(4) As used in this section, "traditional purposes" means the harvesting of buffalo by Plains Indians through utilitarian and spiritual practices handed down from generation to generation to obtain food, shelter, and clothing and to conduct ceremonies and celebrations.

And, as amended, be concurred in.

HB 367, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Thomas moved the Senate suspend the rules and take **SB 280** from third reading this date and place it on third reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 172 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance,

Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Blasdel, Brown, Smith F.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 341 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Cohenour, Gross, MacDonald, Smith F.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 126 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 41

Nays: Blasdel, Brown, Hinkle, Keenan, Regier, Smith C, Vincent, Webb, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 248 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 338 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 345 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 349 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 350 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 393 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Wolken, Mr.President.
Total 42

Nays: Boland, Brown, Caferro, McClafferty, Sesso, Vance, Welborn, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 500 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 523 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 47

Nays: Malek, Pomnichowski, Whitford.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SJ 21** be taken from the Local Government Committee and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 44** and **HB 217**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 364** be taken from the second reading board and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 23, 2017, the sixtieth legislative day. Motion carried.

Senate adjourned at 2:37 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the SenateE

SENATE JOURNAL
65TH LEGISLATURE
SIXTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 23, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Wolken. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/23/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-first, fifty-second, fifty-third, fifty-fourth, and fifty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 336**, **SB 364**, **SB 365**, **SR 50**, **HB 62**, **HB 147**, **HB 149**, **HB 200**, **HB 201**, **HB 245**, **HB 251**, **HB 273**, **HB 280**, **HB 306**, **HB 316**, **HB 358**, **HB 367**, **HB 374**, **HB 405**, **HB 416**, **HB 422**, **HB 520**.
Correctly engrossed: **SB 185**, **SB 236**, **SR 33**, **HB 37**, **HB 108**, **HB 129**, **HB 298**, **HB 333**, **HB 381**, **HB 407**, **HB 510**.
Examined by the sponsor and found to be correct: **SB 97**, **SB 128**, **SB 264**.
Transmitted to the House: **SB 172**, **SB 276**, **SB 341**, **HB 126**, **HB 248**, **HB 338**, **HB 345**, **HB 349**, **HB 350**, **HB 393**, **HB 500**, **HB 523**.
Signed by the President at 3:47 p.m., March 22, 2017: **SB 62**.
Signed by the Secretary of the Senate at 3:55 p.m., March 22, 2017: **SB 62**.
Signed by the Speaker at 10:50 a.m., March 23, 2017: **SB 62**.
Delivered to the Governor at 3:35 p.m., March 23, 2017: **SB 62**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/22/2017
SR 32, be adopted.
SR 33, introduced resolution, be amended as follows:

1. Page 1, line 14.
Strike: line 14 in its entirety

And, as amended, be adopted.

SR 52, be adopted.
HB 37, be amended as follows:

1. Page 3, line 23.

Following: "$1"
Insert: "million"

2. Page 4, line 1.
Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If House Bill No. 2 and [this act] are passed and approved and House Bill No. 2 has an appropriation for the Montana Indian language preservation program, then [section 5 of this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 298, be amended as follows:

1. Title, page 1, line 5.
Strike: "REQUIRING"
Insert: "ENCOURAGING"

2. Page 1, line 15.
Strike: "shall"
Insert: "is encouraged to"

3. Page 1, line 19.
Strike: "No" through "2018, the"
Insert: "The"
Strike: the second "the"
Insert: "any"

4. Page 1, line 28.
Strike: "The"
Insert: "Any"

And, as amended, be concurred in.

HB 372, be concurred in.
HB 381, be amended as follows:

1. Title, page 1, line 5.
Following: "RESPONSE;"
Insert: "PROVIDING IMMUNITY;"

2. Page 2, line 1.
Following: line 1
Insert: "(6) No cause of action may be brought for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this section, or resulting from any training, or lack of training, related to this section. Nothing in this section shall be

construed to impose a specific duty of care."

3. Page 2, line 2.
Insert: "NEW SECTION. **Section 2. Two-thirds vote required.** Because [section 1] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."
Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/23/2017
HB 351, be concurred in.
HB 494, be concurred in.
HB 521, be concurred in.

LOCAL GOVERNMENT (Webb, Chair): 3/22/2017
HB 407, be amended as follows:

1. Page 4, line 18.
Following: "76-3-207(1)(b)."
Insert: "Nothing in this section is intended to prohibit the extension, construction, reconstruction, or other improvements to a public sewage system within a well isolation zone that extends onto land that is dedicated for use as a right-of-way for roads, railroads, or utilities."

And, as amended, be concurred in.

HB 456, be concurred in.
HB 492, be concurred in.
HB 510, be amended as follows:

1. Title, line 7.
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 4.
Following: "available or"
Insert: ", unless subsection (3) applies,"
Following: "76-3-507"
Strike: ";"
Insert: ". If subsection (3) applies, the requirements of 76-3-507 do not apply."

4. Page 2.

Following: line 13
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/22/2017
HB 469, be concurred in.
HB 476, be concurred in.
HB 495, be concurred in.
HJ 6, be amended as follows:

1. Title, page 1, line 5.
Following: "USE"
Insert: "AND ILLEGAL USE OF OPIOIDS"

2. Page 1, line 18.
Following: "parents"
Insert: "and that opioid addiction and illegal drug use are factors contributing to children experiencing child abuse and neglect"

3. Page 1, line 26.
Following: "committee"
Insert: "or committees"

4. Page 1, line 28.
Following: "use"
Insert: "and illegal use of opioids"

5. Page 1, line 29.
Following: "use"
Insert: "and illegal use of opioids"

6. Page 2, line 1.
Following: "methamphetamine use"
Insert: "or illegal use of opioids"
Strike: "drug"
Insert: "drugs"

7. Page 2, line 2.
Following: "use"
Insert: "or illegal use of opioids"

8. Page 2, line 6.
Following: "use"

Insert: "and illegal use of opioids"
Strike: "its impact"
Insert: "their impacts"

9. Page 2, line 8.
Following: "committee"
Insert: "or committees"

10. Page 2, line 9.
Following: "use"
Insert: "and illegal use of opioids"

11. Page 2, line 10.
Following: "use"
Insert: "and illegal use of opioids"

12. Page 2, line 12.
Following: "use"
Insert: "and illegal use of opioids"
Strike: "its"
Insert: "their"

13. Page 2, line 17.
Following: "methamphetamine"
Insert: "or the illegal use of opioids"

14. Page 2, line 21.
Following: "committee"
Insert: "or committees"

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/22/2017
HB 333, be amended as follows:

1. Page 3, line 22.
Following: "officer;"
Strike: "or"

2. Page 3, line 23.
Following: "representative"
Insert: "; or
(i) a veterans' organization or its representative"

3. Page 5, line 11.

Strike: "(5)(h)"
Insert: "(5)(i)"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 22, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, March 22, 2017, I signed the following bill:

SB 54 - J. Gross

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/22/2017

SB 8, introduced by T. Facey
SB 20, introduced by N. Swandal
SB 79, introduced by S. Fitzpatrick
SB 81, introduced by N. Swandal
SB 103, introduced by L. Jones
SB 115, introduced by M. Moe
SB 121, introduced by E. Buttrey
SB 151, introduced by D. Brown

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/22/2017

SB 58, introduced by M. McNally

SB 127, introduced by M. Moe

Senate amendments to House bill concurred in: 3/22/2017

HB 307, introduced by K. Kelker

House bills passed and transmitted to the Senate for concurrence: 3/22/2017

HB 134, introduced by J. Essmann
HB 528, introduced by T. Welch

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 366, introduced by J. Cohenour, J. Essmann, J. Sesso, F. Thomas, B. Usher, referred to State Administration.
SB 367, introduced by F. Moore, D. Ankney, D. Barrett, E. Buttrey, M. Caferro, P. Connell, R. Cook, T. Facey, S. Fitzpatrick, F. Garner, T. Gauthier, B. Hoven, L. Jones, R. Lynch, M. MacDonald, S. Malek, M. McNally, J. Pomnichowski, T. Richmond, D. Salomon, J. Sesso, J. Small, N. Swandal, F. Thomas, J. Welborn, referred to Finance and Claims.
SB 368, introduced by T. Richmond, D. Ankney, D. Brown, D. Kary, D. Sands, J. Sesso, F. Thomas, referred to State Administration.
SB 369, introduced by J. Welborn, referred to Business, Labor, and Economic Affairs.
SB 371, introduced by F. Moore, referred to Business, Labor, and Economic Affairs.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 55, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
SR 56, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate bill was introduced and read first time:

SB 370, introduced by S. Fitzpatrick.

The following House bills were introduced, read first time, and referred to committees:

HB 134, introduced by J. Essmann (by request of the School Funding Interim Commission), referred to Education and Cultural Resources.
HB 528, introduced by T. Welch, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator K. Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 198 - Senator Facey moved consideration of **HB 198** be passed for the day. Without objection, so ordered.

HB 323 - Senator Olszewski moved **HB 323** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 328 - Senator Olszewski moved **HB 328** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 288 - Senator Vance moved **HB 288** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 388 - Senator Salomon moved **HB 388** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 447 - Senator Swandal moved **HB 447** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinkle, Howard.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 - Senator Malek moved **HB 103** be concurred in.

HB 103 - Senator Fitzpatrick moved **HB 103**, second reading copy, be amended as follows:

1. Title, page 1, line 18.
Following: "13-10-404,"
Insert: "13-10-602,"

2. Page 13.
Following: line 17
Insert: "Section 10. Section 13-10-602, MCA, is amended to read:

"13-10-602. Use of party name. (1) A political party and its regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party name. A candidate for office may not use any word of the name of any other political party or organization other than that by which the candidate is nominated in a manner that indicates or implies the individual is a candidate of the nonnominating party.

(2) An independent or nonpartisan candidate may not use any word of the name of any existing political party or organization in the candidacy in a manner that indicates or implies that the individual is a candidate of that party or organization.""
Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Vance.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wolken excused at this time.

SB 138 - Senator Ankney moved **SB 138** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 324 - Senator Tempel moved **SB 324** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 30 - Senator Barrett moved **HB 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford.
Total 44

Nays: Hinkle, Keenan, Olszewski, Vance, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 396 - Senator Cohenour moved **HB 396** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 59 - **House Amendments** - Senator Sesso moved House amendments to **SB 59** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Mr.President.
Total 44

Nays: Fielder, Hinebauch, Hinkle, Kary, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

SB 65 - **House Amendments** - Senator Sesso moved House amendments to **SB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Welborn, Whitford.
Total 32

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Regier, Smith C, Thomas, Vance, Vincent, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

Senator Vincent assumed the chair.

SB 94 - Senator K. Regier moved **SB 94** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sesso, Smith F, Vuckovich, Welborn, Whitford.
Total 15

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 285 - Senator Sands moved **HB 285** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Whitford.
Total 37

Nays: Brown, Fielder, Hinebauch, Kary, Moore, Regier, Salomon, Smith C, Swandal, Vincent, Welborn, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 280 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Whitford.
Total 29

Nays: Blasdel, Brown, Connell, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Moore, Osmundson, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 62 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 64 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 147 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 48

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 149 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 48

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 200 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Whitford.
Total 25

Nays: Blasdel, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 201 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 245 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 251 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 38

Nays: Barrett, Boland, Cohenour, Gross, Malek, McClafferty, Phillips, Pomnichowski, Sesso, Tempel, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 273 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 45

Nays: Gross, Malek, McClafferty, Smith F.
Total 4

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 316 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 358 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford.
Total 18

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 405 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 416 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 422 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford.
Total 41

Nays: Blasdel, Hinkle, Howard, Keenan, Smith C, Vance, Vincent, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

HB 520 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 48

Nays: Kary.
Total 1

Absent or not voting: None.
Total 0

Excused: Wolken.
Total 1

MOTIONS

Senator Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 59** and request the House to appoint a like committee. Without objection, so ordered.
President Sales appointed: 3/23/2017

Senator K. Regier, Chair
Senator Vincent
Senator Wolken

Majority Leader Thomas moved that **HB 37** and **HB 372** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 24, 2017, the sixty-first legislative day. Motion carried.

Senate adjourned at 2:30 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 24, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gauthier. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/24/2017
Correctly printed: **SB 94**, **SB 138**, **SB 324**, **SB 366**, **SB 367**, **SB 368**, **SB 369**, **SB 371**, **SR 32**, **SR 52**, **SR 55**, **SR 56**, **HB 30**, **HB 285**, **HB 288**, **HB 323**, **HB 328**, **HB 351**, **HB 372**, **HB 388**, **HB 396**, **HB 447**, **HB 456**, **HB 469**, **HB 476**, **HB 492**, **HB 494**, **HB 495**, **HB 521**.
Correctly engrossed: **SB 338**, **HB 61**, **HB 103**, **HB 219**, **HB 289**, **HB 355**, **HB 415**, **HJR 6**.
Correctly enrolled: **SB 8**, **SB 20**, **SB 79**, **SB 81**, **SB 103**, **SB 115**, **SB 121**, **SB 151**.
Transmitted to the House: **SB 280**, **HB 62**, **HB 64**, **HB 147**, **HB 149**, **HB 200**, **HB 201**, **HB 245**, **HB 251**, **HB 273**, **HB 316**, **HB 358**, **HB 405**, **HB 416**, **HB 422**, **HB 520**.
Signed by the President at 4:28 p.m., March 23, 2017: **SB 97**, **SB 128**, **SB 264**.
Signed by the Secretary of the Senate at 4:42 p.m., March 23, 2017: **SB 97**, **SB 128**, **SB 264**.

Senator Blasdel thanked the Pages for their service this week.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 3/23/2017
HB 444, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/23/2017
SB 338, introduced bill, be amended as follows:

1. Title, page 1, line 18.
Following: "DATE"
Insert: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 3, line 11.
Following: "17-6-302,"
Insert: "or"
Strike: "chapter 3 or"

3. Page 3, line 11 through line 12.
Strike: ", an electric" on line 11 through "unit" on line 12

4. Page 10, line 18.
Strike: "subsection (5)"
Insert: "[section 11(5)]"

5. Page 10, line 19 through line 20.
Strike: "the" on line 19 through "11]." on line 20
Insert: "[sections 1 through 12]."

6. Page 10, line 23.
Strike: "[section 10(5)]"
Insert: "subsection (5)"

7. Page 13.
Following: line 23
Insert: "NEW SECTION. **Section 20. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to coal-fired generating units retired on or after January 1, 2017."

And, as amended, do pass.

SR 53, be adopted.
HB 61, be amended as follows:

1. Page 11.
Following: line 4
Insert: "NEW SECTION. **Section 15. Provider obligations -- limitations.** Nothing in this chapter:

(1) relieves a provider from its obligations pursuant to parts 1 through 3 of this chapter, including obligations pursuant to 10-4-201 to collect 9-1-1 fees from customers on a per access line basis; or

(2) grants the department the authority to regulate the services offered by an originating service provider."
Renumber: subsequent sections

2. Page 13.
Following: line 28
Insert: "(12) "Originating service provider" means an entity that provides capability for a retail customer to initiate emergency communications.
Renumber: subsequent subsections

3. Page 23, line 19.
Strike: "SECTION"
Insert: "sections"
Following: "14"

Insert: "and 15"

4. Page 23, line 21.
Strike: "SECTION"
Insert: "sections"
Following: "14"
Insert: "and 15"

5. Page 24, line 4.
Strike: "18, 22, AND 24"
Insert: "19, 23, and 25"

And, as amended, be concurred in.

HB 219, be amended as follows:

1. Page 6.
Following: line 5
Insert: "COORDINATION SECTION. **Section 8. Coordination instruction.** If both Senate Bill No. 78 and [this act] are passed and approved, then Senate Bill No. 78 is void."
Insert: "COORDINATION SECTION. **Section 9. Coordination instruction.** If Senate Bill No. 12 is not passed and approved and if both Senate Bill No. 7 and [this act] are passed and approved and if both contain a section that amends 69-8-602, then:

(1) the amendments to 69-8-602 in Senate Bill No. 7 are effective on passage and approval of Senate Bill No. 7 and are void on occurrence of the contingency in [section 13 of this act]; and

(2) effective on occurrence of the contingency in [section 13], 69-8-602 must be amended as follows:

"69-8-602. ~~Utility~~ Public utility net metering requirements. (1) A public utility shall~~:~~

~~(1)~~ allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions~~, unless~~.

(2)(a) If the commission determines, after appropriate notice and opportunity for comment~~:~~

~~(a)~~ that the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, the commission may establish additional metering equipment requirements.

(b) The commission shall ~~after taking into account~~ consider the benefits and costs to a public utility and a customer-generator of purchasing and installing additional metering equipment~~;~~ and

~~(b)~~ how the costs of additional net metering equipment are to be allocated between the customer-generator and the public utility~~; and~~.

~~(2)~~ (3)(a) The commission, in accordance with 69-8-601(2), shall charge the customer-generator ~~a minimum monthly fee that is the same as other customers of the electric utility in the same rate class~~ an appropriate rate pursuant to 69-3-306.

(b) ~~The~~ Notwithstanding [sections 1 through 3 of HB 219], if the commission ~~shall determine~~ determines, after appropriate notice and opportunity for comment, ~~if:~~

~~(a) the~~ that a public utility ~~will incur~~ is incurring direct costs associated with interconnecting

or administering net metering systems that exceed any offsetting benefits associated with these net metering systems,~~; and~~

~~(b) public policy is best served by imposing~~ the commission may impose these costs on the customer-generator, rather than allocating these costs among the public utility's entire customer base.""

Insert: "COORDINATION SECTION. **Section 10. Coordination instruction.** If Senate Bill No. 7 is not passed and approved and if both Senate Bill No. 12 and [this act] are passed and approved and if both contain a section that amends 69-8-602, then:

(1) the amendments to 69-8-602 in Senate Bill No. 12 are effective on passage and approval of Senate Bill No. 12 and are void on occurrence of the contingency in [section 13 of this act]; and

(2) effective on occurrence of the contingency in [section 13], 69-8-602 must be amended as follows:

"69-8-602. ~~Utility~~ Public utility net metering requirements.(1) A public utility shall~~:~~

~~(1)~~ allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission ~~determines, after appropriate notice and opportunity for comment:~~

~~(a) that the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and~~

~~(b) how the costs of net metering are to be allocated between the customer-generator and the utility; and~~ makes a determination in accordance with 69-8-604 that alternative net metering equipment should be used.

(2)(a) The commission shall charge the customer-generator ~~a minimum monthly fee that is the same as other customers of the electric utility in the same rate class~~ an appropriate rate pursuant to 69-3-306.

(b) ~~The~~ Notwithstanding [sections 1 through 3 of HB 219], if the commission ~~shall determine~~ determines, after appropriate notice and opportunity for comment, ~~if:~~

~~(a) the~~ that a public utility ~~will incur~~ is incurring direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these net metering systems,~~; and~~

~~(b) public policy is best served by imposing~~ the commission may impose these costs on the customer-generator, rather than allocating these costs among the public utility's entire customer base.""

Insert: "COORDINATION SECTION. **Section 11. Coordination instruction.** (1) If Senate Bill No. 7, Senate Bill No. 12, and [this act] are all passed and approved and contain sections that amend 69-8-602, then effective on passage and approval of [this act], 69-8-602 must be amended as follows:

"69-8-602. ~~Utility~~ Public utility net metering requirements. A public utility shall:

(1) allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission makes a determination in accordance with 69-8-604(3) that alternative net metering equipment should be used ~~determines, after appropriate notice and opportunity for comment:~~

~~(a) that the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking~~

~~into account the benefits and costs of purchasing and installing additional metering equipment; and~~

~~(b) how the costs of net metering are to be allocated between the customer-generator and the utility~~; and

(2) charge the customer-generator a minimum monthly fee that is the same as other customers of the ~~electric~~ public utility in the same rate class. The commission shall ~~determine~~, in accordance with 69-8-601(2) and after appropriate notice and opportunity for comment, determine if:

(a) the public utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these net metering systems; and

(b) public policy is best served by imposing these costs on the customer-generator, rather than allocating these costs among the public utility's entire customer base."

(2) The amendments to 69-8-602 in subsection (1) of this section are void on occurrence of the contingency in [section 13 of this act]."

Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If Senate Bill No. 7, Senate Bill No. 12, and [this act] are all passed and approved and contain sections that amend 69-8-602, then effective on the occurrence of the contingency in [section 13 of this act], 69-8-602 must be amended as follows:

"69-8-602. ~~Utility~~ Public utility net metering requirements.(1) A public utility shall~~:~~

~~(1)~~ allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission ~~determines, after appropriate notice and opportunity for comment:~~

~~(a) that the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and~~

~~(b) how the costs of net metering are to be allocated between the customer-generator and the utility; and~~ makes a determination in accordance with 69-8-604 that alternative net metering equipment should be used.

(2)(a) The commission, in accordance with 69-8-601(2), shall charge the customer-generator ~~a minimum monthly fee that is the same as other customers of the electric utility in the same rate class~~ an appropriate rate pursuant to 69-3-306.

(b) ~~The~~ Notwithstanding [sections 1 through 3 of HB 219], if the commission ~~shall determine~~ determines, after appropriate notice and opportunity for comment, ~~if:~~

~~(a) the~~ that a public utility ~~will incur~~ is incurring direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these net metering systems,~~; and~~

~~(b) public policy is best served by imposing~~ the commission may impose these costs on the customer-generator, rather than allocating these costs among the public utility's entire customer base.""

Renumber: subsequent sections

2. Page 6, line 7.
Following: "CONTINGENCY"
Insert: "-- contingent voidness"

3. Page 6, line 9.
Strike: "AND "
Insert: ","
Following: "6"
Insert: ", 9(2), 10(2), and 12"

4. Page 6.
Following: line 11
Insert: "(b) [Sections 9(1), 10(1), and 11] are void on occurrence of the contingency in subsection (2)(a)."

5. Page 6, line 12.
Strike: "(B)"
Insert: "(c)"

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 3/23/2017
HB 240, be concurred in.
HB 289, be amended as follows:

1. Page 2, line 11.
Following: "PRIOR TO"
Insert: "or during"

And, as amended, be concurred in.

HB 311, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/23/2017
SB 332, do pass.
HB 355, be amended as follows:

1. Title, page 1, line 6.
Following: "CERTAIN VEHICLES;"
Insert: "REQUIRING A COST-EFFECTIVENESS ANALYSIS BEFORE THE PURCHASE OF CERTAIN VEHICLES;"

2. Page 4, line 1 through line 2.
Strike: "A RATE EQUAL" on line 1 through "THE CURRENT YEAR" on line 2
Insert: "50 cents"

3. Page 4, following line 14.
Insert: "NEW SECTION. **Section 4. Cost-effectiveness analysis required before purchase of small school bus.** The trustees of a district may not purchase and operate a school

bus as defined in 20-10-101(4)(a)(ii) until the trustees have:

(1) conducted an analysis of the costs associated with purchase and operation of the school bus compared to the costs associated with purchase or contract and operation of a school bus designed to carry more than 10 passengers; and

(2) adopted a written finding that the purchase and operation of a school bus as defined in 20-10-101(4)(a)(ii) is the most cost-effective means of transporting eligible transportees on the bus route or routes to which the school bus will be assigned."

Insert: "NEW SECTION. **Section 5. Codification instruction.** [Section 4] is intended to be codified as an integral part of Title 20, chapter 10, part 1, and the provisions of Title 20, chapter 10, part 1, apply to [section 4]."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 415, be amended as follows:

1. Page 2, line 23.

Strike: "OR"

Insert: "(viii) road or vehicle conditions make it safer to drive in a lane other than the right-hand lane; or"

Renumber: subsequent subsection

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/24/2017

HB 348, be amended as follows:

1. Page 12, line 17.

Following: line 17

Insert: "COORDINATION SECTION. **Section 20. Coordination instruction.** If Senate Bill No. 176 and [this act] are both passed and approved and if both contain a section that amends 70-24-312, then the section in Senate Bill No. 176 that amends 70-24-312 is void."

2. Page 12, line 17.

Following: line 17

Insert: "COORDINATION SECTION. **Section 21. Coordination instruction.** If Senate Bill No. 176 and [this act] are both passed and approved and if both contain a section that amends 70-24-426, then the sections amending 70-24-426 are void and 70-24-426 must be amended as follows:

"**70-24-426.** Remedies for absence or abandonment. (1) If ~~the rental agreement requires~~ the tenant fails to give notice to the landlord of an anticipated ~~extended~~ absence in excess of ~~7~~ 5 days~~, as provided for in 70-24-322, and the tenant fails to do so,~~ the landlord may recover actual damages from the tenant.

(2) During an absence of the tenant in excess of ~~7~~ 5 days, the landlord may enter the dwelling unit at times reasonably necessary.

(3) If the tenant abandons the dwelling unit, the landlord shall make reasonable efforts to rent it at a fair rental. If the landlord rents the dwelling unit for a term beginning before the expiration of the rental agreement, the rental agreement terminates as of the date of the tenancy. If the landlord fails to use reasonable efforts to rent the dwelling unit at a fair rental or if the landlord accepts the abandonment as a surrender, the rental agreement is terminated by the landlord as of the date the landlord has notice of the abandonment. If the tenancy is from month to month or week to week, the term of the rental agreement for this purpose is a month or a week, as the case may be.""

3. Page 12, line 17.
Following: line 17

"COORDINATION SECTION. **Section 22. Coordination instruction.** If Senate Bill No. 176 and [this act] are both passed and approved and if both contain a section that amends 70-33-312, then the sections amending 70-33-312 are void and 70-33-312 must be amended as follows:

"70-33-312. Access to premises by landlord. (1) A tenant may not ~~unreasonably~~ withhold consent to the landlord or the landlord's agent to enter the lot in order to inspect the premises, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the lot to prospective or actual purchasers, mortgagees, tenants, workers, or contractors.

(2) (a) A landlord may immediately enter the lot without consent of the tenant in case of emergency.

(b) If there is not an emergency, the landlord shall give the tenant 24 hours' notice of the intent to enter the premises at reasonable times.

(3) A landlord may not abuse the right of access or use it to harass the tenant. ~~Except in case of emergency or unless it is impracticable to do so, the landlord shall give the tenant at least 24 hours' notice of the intent to enter and may enter only at reasonable times.~~

(4) A landlord has no other right of access except:

(a) pursuant to a court order;

(b) as permitted by 70-33-425 and 70-33-426(1)(b); or

(c) when the tenant has abandoned or surrendered the premises.

(5) A tenant may not remove a lock or replace or add a lock not supplied by the landlord to the premises without the written permission of the landlord. If a tenant removes a lock or replaces or adds a lock not supplied by the landlord to the premises, the tenant shall provide the landlord with a key to ensure that the landlord will have the right of access as provided by this chapter."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 427, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 23, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, March 23, 2017, I signed the following bills:

SB 86 - T. Richmond
SB 89 - G. Vance
SB 108 - G. Vance
SB 129 - M. Caferro
SB 142 - T. Facey
SB 228 - D. Ankney

I have vetoed **Senate Bill 100** - C. Smith.

Sincerely,

STEVE BULLOCK
Governor

March 23, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Sales and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 100** (SB 100), "AN ACT AUTHORIZING DIRECT

PRIMARY CARE PROVIDER AGREEMENTS; ESTABLISHING REQUIREMENTS FOR DIRECT PRIMARY CARE PROVIDER AGREEMENTS; ESTABLISHING THAT DIRECT PRIMARY CARE PROVIDER AGREEMENTS ARE NOT HEALTH INSURANCE; MAKING DIRECT PRIMARY CARE PROVIDER AGREEMENTS SUBJECT TO CONSUMER PROTECTION LAWS; AND AMENDING SECTIONS 30-14-102, 33-1-102, 33-1-201, 33-1-207, 33-22-140, 33-30-101, 33-31-102, and 50-4-105, MCA."

SB 100 authorizes "direct primary care provider plans" under which physicians charge patients prepaid fees for primary health care instead of billing claims under the patient's insurance policy. The bill exempts these plans from the Insurance Code and includes certain disclosures the provider must make.

Direct primary care provider plans offer little or no added value to most consumers. They charge fees for treatments already covered by a consumer's health insurance, such as preventative care that insurance covers at no out-of-pocket cost to the consumer. Moreover, many insurance policies already offer flat-fee office visits similar to what SB 100 contemplates.

SB 100 has been touted as cutting insurance-related administrative expenses. Yet the bill does not prevent providers from selling these plans to some patients while accepting insurance for others meaning the provider carries the same insurance-related overhead, but receives another income stream at the consumer's expense.

SB 100 is bad for Montanans, because it allows providers to charge unnecessary fees for service already covered by insurance and fails to deliver the administrative savings it promises.

For these reasons, I veto SB 100.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/23/2017

SB 113, introduced by F. Moore
SB 152, introduced by J. Sesso
SB 155, introduced by M. Lang
SB 169, introduced by B. Hoven

Senate joint resolution concurred in and returned to the Senate: 3/23/2017

SJ 10, introduced by M. Lang

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/2017

SB 27, introduced by F. Thomas
SB 144, introduced by R. Webb
SB 216, introduced by F. Thomas

House bills passed and transmitted to the Senate for concurrence: 3/23/2017

HB 554, introduced by B. Beard
HB 573, introduced by R. Cook
HB 574, introduced by G. Hertz

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 198 - Senator Facey moved **HB 198** be concurred in.

HB 198 - Senator Facey moved **HB 198**, second reading copy, be amended as follows:

1. Title, page 1, line 4 through line 9.
Strike: "REDISTRIBUTING" on line 4 through "DATE" on line 9
Insert: "AMENDING SECTIONS 7-4-2631 AND 50-15-111; AND PROVIDING AN EFFECTIVE DATE"

2. Page 1, line 13 through page 2, line 19.
Strike: everything after the enacting clause
Insert: "Section 1. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. (Temporary) Fees of county clerk. (1) Except as provided in 7-2-2803(4), 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:

(a) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, $5;

(b) for filing of subdivision and townsite plats, $25 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(c) for filing certificates of surveys and amendments to the certificates of surveys, $25 plus 50 cents for each tract or lot;

(d) for each page of a document required to be filed with a subdivision, townsite plat, or

certificate of survey for which a filing fee is not otherwise set by law, $1;

(e) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, $2;

(f) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(g) for administering an oath with certificate and seal, no charge;

(h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, $3;

(k) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, $2;

(l) (i) for each certified copy of a birth certificate, $5;

(ii) for each certified copy of a death certificate, $15, and for each additional certified copy of the same record ordered at the same time as the first certified copy, $6; and

(iii) for the filing of an original death certificate, an amount, if any, to be determined by the county by resolution and deposited in the county general fund;

(m) for electronic storage of minutes of an administrative board, district, or commission pursuant to 7-1-204, 7-11-1030, 7-13-2350, 7-22-2113, 7-33-2112, or 76-15-324, no charge;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) The county clerks shall charge, for the use of their respective counties, the fee as provided in 7-4-2632 for recording and indexing the following:

(a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with the seal affixed; and

(b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been recorded with the seal affixed.

(3) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis.

(4) (a) A county shall transfer to the department of labor and industry for deposit as provided in 37-19-203 $3 of each fee collected under subsection (1)(l)(ii) of this section.

(b) The fees must be transferred monthly unless the department of labor and industry and the county have agreed to a different period. (Terminates June 30, 2017--sec. 6, Ch. 380, L. 2015.)

7-4-2631. (Effective July 1, 2017) Fees of county clerk. (1) Except as provided in 7-2-2803(4), 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:

(a) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, $5;

(b) for filing of subdivision and townsite plats, $25 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(c) for filing certificates of surveys and amendments thereto, $25 plus 50 cents per tract or lot;

(d) for each page of a document required to be filed with a subdivision, townsite plat, or certificate of survey for which a filing fee is not otherwise set by law, $1;

(e) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, $2;

(f) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(g) for administering an oath with certificate and seal, no charge;

(h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, $3;

(k) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, $2;

(l) for each certified copy of a birth certificate, $5, and for each certified copy of a death certificate, ~~$3~~ $6;

(m) for electronic storage of minutes of an administrative board, district, or commission pursuant to 7-1-204, 7-11-1030, 7-13-2350, 7-22-2113, 7-33-2112, or 76-15-324, no charge;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) The county clerks shall charge, for the use of their respective counties, the fee as provided in 7-4-2632 for recording and indexing the following:

(a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with the seal affixed; and

(b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been recorded with the seal affixed.

(3) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis.""

Insert: "Section 2. Section 50-15-111, MCA, is amended to read:

"50-15-111. (Temporary) Certified copy fee -- exceptions -- transfer. (1) Subject to a minimum charge required by subsection (1)(a)(ii), the department shall prescribe, by rule, a fee for:

(a) (i) a certified copy of certificates or records other than a death certificate;

(ii) a death certificate, which at a minimum must be:

(A) $15 for each certified copy of a death certificate;

(B) $8 for each additional certified copy of a death certificate requested at the same time as the first copy; and

(C) $13 for each informational copy of a death certificate;

(b) a search of files or records when a copy is not made;

(c) a copy of information provided for statistical or administrative purposes as allowed by law;

(d) the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination or acknowledgment, or court order;

(e) filing a delayed registration of a vital event;

(f) the amendment of a vital record, after 1 year from the date of filing; and

(g) other services specified by this chapter or by rule.

(2) Except as provided in subsection (3), fees received under subsection (1) must be deposited in the state special revenue fund to be used by the department for:

(a) the maintenance of indexes to vital records;

(b) the preservation of vital records; and

(c) the administration of the system of vital statistics.

(3) The department shall transfer to the department of labor and industry for use as specified in 37-19-203 $3 of each fee charged under subsection (1)(a)(ii) of this section. (Terminates June 30, 2017--sec. 6, Ch. 380, L. 2015.)

50-15-111. (Effective July 1, 2017) Certified copy fee. (1) The department shall prescribe, by rule, a fee for:

(a) a certified copy of certificates or records, except that the fee for a death certificate must be at least $6;

(b) a search of files or records when a copy is not made;

(c) a copy of information provided for statistical or administrative purposes as allowed by law;

(d) the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination or acknowledgment, or court order;

(e) filing a delayed registration of a vital event;

(f) the amendment of a vital record, after 1 year from the date of filing; and

(g) other services specified by this chapter or by rule.

(2) ~~Fees~~ Except as provided in subsection (3), fees received under subsection (1) must be deposited in the state special revenue fund to be used by the department for:

(a) the maintenance of indexes to vital records;

(b) the preservation of vital records; and

(c) the administration of the system of vital statistics.

(3) The department shall transfer, on a monthly basis, to the clerk and recorder of the county in which the death occurred $3 of each fee charged under subsection (1)(a).""

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2017."

Amendment **not** adopted as follows:

Yeas: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 24

Nays: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 198 - Thereupon, the Senate reverted to the original motion of Senator Facey which passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Mr.President.
Total 27

Nays: Barrett, Boland, Brown, Cohenour, Facey, Gross, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 35 - Senator Salomon moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 35**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 47 - Senator Salomon moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 47**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 49 - Senator Hoven moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 49**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 496 - Senator D. Brown moved **HB 496** be concurred in. Motion carried as follows:

Yeas: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier,

Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 340 - Senator C. Smith moved **SB 340** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 344 - Senator Moore moved **SB 344** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 22 - Senator Ankney moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 209 - Senator Ankney moved **HB 209** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 108 - Majority Leader Thomas moved consideration of **HB 108** be passed for the day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Swandal, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 367 - Senator Vuckovich moved **HB 367** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 39

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 185 - Senator Kary moved **SB 185** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Caferro, Facey, MacDonald, Malek, McClafferty, Pomnichowski, Sesso, Smith F, Vuckovich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 362 - Senator Gross moved **HB 362** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329 - Senator K. Regier moved **SB 329** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 266 - Senator Olszewski moved **HB 266** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch,

Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report.** Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 41

Nays: Boland, Cohenour, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Smith F, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 65, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Smith C, Vance, Vincent, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 94 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 324 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 30 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Olszewski, Tempel.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 129 failed as follows:

Yeas: None.

Total 0

Nays: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 285 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Hinebauch, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 288 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 323 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 328 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 388 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 396 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 447 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 46

Nays: Fielder, Hinebauch, Hinkle, Welborn.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 372, introduced by F. Moore, referred to Local Government.
SB 373, introduced by D. Barrett, referred to Taxation.
SB 374, introduced by D. Ankney, referred to Energy and Telecommunications.
SB 375, introduced by S. Sales, referred to Judiciary.

The following Senate bill, previously introduced, was referred to committee:

SB 370, introduced by S. Fitzpatrick, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 554, introduced by B. Beard, K. Abbott, F. Anderson, D. Bartel, Z. Brown, S. Gunderson, T. Jacobson, D. Lenz, A. Redfield, W. Sales, L. Sheldon-Galloway, S. Staffanson, S. Vinton, P. Webb, T. Welch, referred to Taxation.
HB 573, introduced by R. Cook, referred to Taxation.
HB 574, introduced by G. Hertz, referred to Taxation.

MOTIONS

Majority Leader Thomas moved that **SB 346** be taken from the Business, Labor, and Economic Affairs Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 338** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

President Sales moved to change his third-reading vote from Yes to No on **SB 65**. Without objection so ordered.

Senator Keenan moved that **SB 215** be taken from the table in the Natural Resources Committee and placed on second reading Tuesday, March 28, 2017, the sixty-fourth legislative day. The motion **failed** as follows:

Yeas: Blasdel, Boland, Brown, Caferro, Facey, Fielder, Gauthier, Hinebauch, Hinkle, Howard,

Keenan, Lang, Malek, Olszewski, Regier, Salomon, Swandal, Vincent, Webb.
Total 19

Nays: Ankney, Barrett, Buttrey, Cohenour, Connell, Fitzpatrick, Gross, Hoven, Jones, Kary, MacDonald, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Brown moved the Senate reconsider its third-reading action on **HB 200** and place it on third reading the following legislative day. The motion **failed** as follows:

Yeas: Ankney, Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Thomas, Vance, Webb, Welborn, Mr.President.
Total 24

Nays: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vincent, Vuckovich, Whitford, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Boland moved to change her vote on the motion to bring **SB 215** out of committee from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:30 a.m., Saturday, March 25, 2017, the sixty-second legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 25, 2017 — State Capitol

Senate convened at 8:30 a.m. President Sales presiding. Invocation by Senator Boland. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Brown, Gross and Salomon excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/25/2017
Correctly printed: **SB 185**, **SB 329**, **SB 332**, **SB 340**, **SB 344**, **SB 370**, **SB 372**, **SB 373**, **SB 374**, **SB 375**, **SR 53**, **SJ 20**, **HB 22**, **HB 198**, **HB 209**, **HB 240**, **HB 266**, **HB 311**, **HB 362**, **HB 367**, **HB 444**, **HB 496**.
Examined by the sponsor and found to be correct: **SB 8**, **SB 20**, **SB 79**, **SB 81**, **SB 103**, **SB 115**, **SB 121**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/24/2017
SB 335, introduced bill, be amended as follows:

1. Page 2, line 26.
Following: "(10)"
Insert: "(a)"

2. Page 2, line 29.
Strike: "(a)"
Insert: "(i)"

3. Page 2, line 30.
Strike: "(b)"
Insert: "(ii)"

4. Page 3, line 2.
Strike: "(c)"
Insert: "(iii)"

5. Page 3, line 3.
Strike: "(d)"
Insert: "(iv)"

6. Page 3, line 4.

Following: "chapter 7;"
Insert: "and"

7. Page 3, line 5.
Strike: "(e)"
Insert: "(v)"

8. Page 3, line 5 through line 7.
Strike: "; and" on line 5 through "information systems" on line 7

9. Page 3, line 8.
Following: line 7
Insert: "(b) The term does not include construction of broadband infrastructure."

10. Page 4, line 23.
Following: line 22
Insert: "(c) require the payment of the standard prevailing wage as defined in 18-2-401;"
Renumber: subsequent subsections

And, as amended, do pass.

SB 345, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 8.
Strike: "LIMITING PROVISIONS" on line 6 through "CONSIDERED INSURANCE;" on line 8

2. Title, page 1, line 11.
Following: "INSURANCE PREMIUMS"
Insert: "AND HEALTH REIMBURSEMENT ARRANGEMENT-ONLY PLANS"

3. Title, page 1, line 14.
Following: "33-18-206,"
Insert: "AND"
Following: "33-18-208,"
Strike: "AND 33-22-1706,"

4. Page 1, line 19.
Following: "[Sections 1 through"
Strike: "8"
Insert: "5"

5. Page 1, line 22 through line 26.
Strike: ":" on line 22 through "(2)" on line 26

6. Page 1, line 28 through page 2, line 2.

Strike: "; and" on line 28 through "treatments" on page 2, line 2

7. Page 2, line 4.
Following: "[sections 1 through"
Strike: "8"
Insert: "5"

8. Page 2, line 29 through page 3, line 20.
Strike: section 5 through section 6 in their entirety
Renumber: subsequent sections

9. Page 3, line 22 through line 25.
Strike: "The commissioner" on line 22 through "(2)" on line 25
Renumber: subsequent subsections

10. Page 4, line 4.
Following: "[sections 1 through"
Strike: "8"
Insert: "5"

11. Page 4, line 8 through line 11.
Strike: section 8 in its entirety
Renumber: subsequent sections

12. Page 4, line 13.
Following: "**premiums**"
Insert: "and health reimbursement arrangement-only plan contributions"

13. Page 4, line 16.
Following: "[section"
Strike: "10"
Insert: "7"

14. Page 4, line 18.
Following: "**premiums**"
Insert: "and health reimbursement arrangement-only plan contributions"

15. Page 4, line 23.
Following: "high-deductible health plan"
Insert: "or health reimbursement arrangement-only plan"

16. Page 4, line 28 through line 29.
Following: "(a)" on line 28
Strike: "incurred" on line 28 through "U.S.C. 223" on line 29
Insert: "(i) incurred by the employer for the employer's share of the cost of a high-deductible

health plan and for contributions to the employee health savings accounts, as defined by section 223 of the Internal Revenue Code, 26 U.S.C. 223; or

(ii) incurred by the employer for contributions to health reimbursement arrangement-only plans meeting the requirements of sections 105 and 106 of the Internal Revenue Code, 26 U.S.C. 105 and 106"

17. Page 5, line 9 through line 10.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

18. Page 11, line 7 through line 12.
Following: "gross income"
Strike: remainder of line 7 through "[section 3]" on line 12
Insert: "to the extent that the taxpayer, or another individual on behalf of the taxpayer, made contributions other than through a cafeteria plan under 26 U.S.C. 125, to the taxpayer's health savings account during the tax year, subject to the contribution limitations set forth in 26 U.S.C. 223. The taxpayer may not reduce adjusted gross income to the extent of contributions made to the taxpayer's health savings account by the taxpayer's employer during the tax year"

19. Page 13, line 14 through page 14, line 13.
Strike: section 14 in its entirety

20. Page 14, line 15.
Following: "[Sections 1 through"
Strike: "8"
Insert: "5"

21. Page 14, line 17.
Following: "1 through"
Strike: "8"
Insert: "5"

22. Page 14, line 18.
Following: "[Section"
Strike: "9"
Insert: "6"

23. Page 14, line 19.
Following: "[section"
Strike: "9"
Insert: "6"

24. Page 14, line 20.
Following: "[section"

Strike: "10"
Insert: "7"

25. Page 14, line 21.
Strike: "[section"
Strike: "10"
Insert: "7"

And, as amended, do pass.

SB 346, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "CREATING THE PROGRAM FUND;"

2. Page 3, line 3.
Strike: "fund"
Insert: "program"

3. Page 3, line 17.
Strike: "**Fund creation -- private**"
Insert: "Private"

4. Page 3, line 17 through line 23.
Following: "(1)" on line 17
Strike: "The Montana" on line 17 through "(2)" on line 23
Renumber: subsequent subsections

And, as amended, do pass.

SJ 20, do pass.

FINANCE AND CLAIMS (Jones, Chair): 3/24/2017
SB 95, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 17.
Following: "ACT" on line 5
Strike: "CLARIFYING " on page 1, line 5 through "90-1-205, MCA;" on page 1, line 17

2. Title, page 1, line 17.
Following: "PROVIDING AN"
Strike: "IMMEDIATE"

3. Title, page 1, line 20.
Strike: everything after the enacting clause

4. Page 1, line 21.
Insert: "NEW SECTION. **Section 1. Transfer.** By July 10, 2017, the state treasurer shall transfer $120,000 from the water storage state special revenue account established in 85-1-631 to the ground water assessment state special revenue account provided for in 85-2-905."

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2017."

And, as amended, do pass.

SB 367, introduced bill, be amended as follows:

1. Page 5, line 21.
Strike: "Nursing Addition"
Insert: "Dental Hygiene Facility Construction"

2. Page 10, line 21 through 23.
Strike: subsection (7) in its entirety
Insert: "(7) If a grant recipient has not completed the conditions described in subsection (6) by September 30, 2017, or has notified the department of commerce in writing that it will not be able to complete the conditions by that date, the department shall withdraw the grant from that recipient and use those funds to award grants as provided in subsection (8).

(8) (a) A school district that has not received funding under subsection (3) may apply to the department for a quality schools facility grant.

(b) In order to be eligible for funding under this subsection, the applicant must:

(i) submit an application to the department no later than July 1, 2017;

(ii) provide 20% in matching funds; and

(iii) confirm that it will be able to complete the conditions described in subsection (6) by September 30, 2018."

And, as amended, do pass.

NATURAL RESOURCES (Vincent, Chair): 3/24/2017
SB 339, do pass.
PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/24/2017
HB 123, be amended as follows:

1. Title, page 1, line 10.
Following: "PROCEDURES;"
Insert: "CREATING AN INCENTIVE PROGRAM FOR HEALTH CARE CONSUMERS TO SHOP FOR HEALTH CARE SERVICES; REQUIRING INSURERS TO NOTIFY HEALTH PLAN MEMBERS OF THE AVAILABILITY OF THE SHARED SAVINGS INCENTIVE PROGRAM; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY;"
Following: "SECTIONS"
Insert: "33-18-209, 33-35-306,"
Following: "50-4-512,"

Insert: "MCA; REPEALING SECTIONS 50-4-516,"

2. Title, page 1, line 11.
Strike: "A"
Strike: "AN"
Strike: "DATE" in two places
Insert: "DATES" in two places

3. Page 1, line 15.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Short title.** Sections [1 through 4] may be cited as the "Patient's Right to Know of Insurance Coverage Provisions Act"."
Insert: "NEW SECTION. **Section 2. Legislative purpose.** The purpose of [sections 1 through 4] is:

(1) to provide health care consumers with better information on and control over the portion of their health care costs that will be paid by their health insurer and the portion that they will have to pay themselves; and

(2) to introduce elements of competition into the marketplace."

Insert: "NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Authorized agent" or "agent" means a person or entity:

(a) authorized under federal or state law to receive health care information about a patient; and

(b) to whom the patient has provided a written authorization to obtain information under [sections 1 through 4] on behalf of the patient.

(2) "Billed charge" means the total dollar amount that is charged by a health care provider for health care provided to a patient and that the provider will accept as payment in full, regardless of payer type and regardless of the anticipated amount of net revenue to be received or the anticipated source of payment.

(3) "Health care" includes both physical health care and mental health care.

(4) "Health care provider" or "provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or the practice of a profession.

(5) "Health insurer" means any health insurance company, health service corporation, health maintenance organization, multiple employer welfare arrangement authorized under Title 33, chapter 35, insurer providing disability insurance as described in 33-1-207, and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by public and private entities."

Insert: "NEW SECTION. **Section 4. Disclosures required of health insurers -- limitations.** (1) When requested by an insured or an authorized agent, a health insurer shall provide a summary of the insured's estimated coverage amounts for a specific health care service or course of treatment when an actual billed charge or estimate of billed charges by a health care provider, outpatient center for surgical services, clinic, or hospital exceeds $500.

(2) The request by the insured or the agent for the information required under this section must be made by telephone, in writing, or electronically.

(3) The health insurer shall provide the requested information within 5 business days of the request by the insured or the agent.

(4) If the health insurer has an online consumer cost estimator transparency tool that allows the insured or the authorized agent to estimate the insured's coverage amounts for certain services, including deductible and other cost-sharing amounts, and the insured or the agent chooses to use the transparency tool to obtain estimated coverage amounts, the transparency tool satisfies the requirements of subsection (1).

(5) A health insurer shall make a good faith effort to provide accurate information under this section and is only required to provide information under this section based upon cost estimates and procedure codes obtained by the insured from the insured's health care provider.

(6) A health insurer shall:

(a) advise insureds of their rights under this section in the outline of coverage; and

(b) provide insureds with access to contact information for participating providers who may be available to provide the same medical service.

(7) This section does not apply to emergency medical services provided for the treatment of an emergency medical condition."

Insert: "NEW SECTION. **Section 5. Short title.** [Sections 5 through 10] may be cited as the "Patient's Right to Shop Act"."

Insert: "NEW SECTION. **Section 6. Definitions.** As used in [sections 5 through 10], the following definitions apply:

(1) "Health care provider" or "provider" means:

(a) an individual who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or the practice of a profession; and

(b) a hospital, critical access hospital, outpatient center for primary care, or outpatient center for surgical services licensed pursuant to Title 50, chapter 5.

(2) (a) "Health insurer" or "insurer" means any disability insurance company, health service corporation, insurer providing disability insurance as described in 33-1-207, captive insurer licensed under Title 33, chapter 28, self-funded multiple welfare arrangement that is not governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq., and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by public or private entities.

(b) The term does not include:

(i) group insurance plans established under Title 2, chapter 18, for public employees and officers;

(ii) the Montana university system group benefits plan established in Title 20, chapter 25, part 13;

(iii) publicly funded health care benefit plans offered by public and private entities and the administrators of those plans; or

(iv) health maintenance organizations as defined in Title 33, chapter 31.

(3) "Program" means the shared savings incentive program established by a health insurer pursuant to [section 7].

(4) "Shoppable health care service" means a nonemergency covered health care service as determined by the commissioner and for which a health insurer offers a shared savings incentive under a program that is established pursuant to [section 7] and approved by the commissioner."

Insert: "NEW SECTION. **Section 7. Shared savings incentive program for shoppable**

health care services -- filing. (1) A health insurer shall establish a program that provides incentives for insured individuals who elect to receive shoppable health care services.

(2) Incentives may be calculated:

(a) as a percentage of the savings to the insured and insurer;

(b) as a flat dollar amount; or

(c) by another methodology approved by the commissioner.

(3) The commissioner shall adopt rules specifying the procedures for offering and providing incentives.

(4) The program offered under this section must be filed with and approved by the commissioner.

(5) Shared savings incentive payments made under this section must be considered a medical claim expense for purposes of calculating an insurer's medical loss ratio.

(6) An insurer shall provide notice annually at enrollment or renewal to any individual enrolled in the plan about:

(a) the individual's right to shop for health care services; and

(b) the availability of the incentive program."

Insert: "NEW SECTION. **Section 8. Website for shoppable health care services.** (1) A health insurer shall establish a secure, interactive website that allows an insured individual to obtain the following information for shoppable health care services:

(a) the payments made by the insurer to the insured's in-network health care providers;

(b) the insured's deductible, copayment, and coinsurance amounts for in-network health care providers;

(c) health care provider quality measures based on quality metric ratings used by the centers for medicare and medicaid services; and

(d) the amount and type of incentive that the insured will receive for choosing a high-quality, lower-cost health care provider.

(2) An insurer may contract for the development and implementation of the interactive website or use a third-party product that meets the requirements of this section.

(3) An insurer shall make the website available for all disability plans offered by the insurer in Montana unless the plan is filed as a health maintenance organization product.

(4) A website developed under this section is considered a form for the purposes of 33-1-501."

Insert: "NEW SECTION. **Section 9. Program report.** (1) An insurer shall report by March 31 each year on its incentive program information for the previous calendar year.

(2) The commissioner shall submit to the economic affairs interim committee by July 1 each year an aggregate report for all insurers filing the information required under subsection (1)."

Insert: "NEW SECTION. **Section 10. Rulemaking authority.** The commissioner shall adopt rules for carrying out the purposes of [sections 5 through 10], including rules concerning but not limited to:

(1) the acceptable forms of incentive payments and the procedures for offering and providing incentives under [section 7];

(2) the identification and scope of shoppable health care services for the incentive program developed pursuant to [section 7];

(3) the filing and approval process for shoppable health care services; and

(4) the form, manner, and information to be included in the report required under [section

9]."

Insert: "Section 11. Section 33-18-209, MCA, is amended to read:

"33-18-209. Exceptions to discrimination and rebates provision. Nothing in 33-18-206 and 33-18-208 shall be construed as including within the definition of discrimination or rebates any of the following practices:

(1) in the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the insurer;

(2) in the case of life insurance policies issued on the industrial debit, preauthorized check, bank draft, or similar plans, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer or by preauthorized check, bank draft, or similar plans, in an amount which fairly represents the saving in collection expense;

(3) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(4) reduction of premium rate for policies of large amount but not exceeding savings in issuance and administration expenses reasonably attributable to such policies as compared with policies of similar plan issued in smaller amounts;

(5) issuing life or disability insurance policies on a salary savings or payroll deduction plan at reduced rate reasonably commensurate with the savings made by the use of such plan; and

(6) providing incentive payments pursuant to [section 7]."""

Insert: "Section 12. Section 33-35-306, MCA, is amended to read:

"33-35-306. Application of insurance code to arrangements. (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions:

(a) 33-1-111;

(b) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

(c) Title 33, chapter 1, part 7;

(d) 33-3-308;

(e) Title 33, chapter 18, except 33-18-242;

(f) Title 33, chapter 19;

(g) 33-22-107, 33-22-131, 33-22-134, 33-22-135, 33-22-138, 33-22-139, 33-22-141, 33-22-142, 33-22-152, and 33-22-153;

(h) 33-22-512, 33-22-515, 33-22-525, and 33-22-526; ~~and~~

(i) [sections 1 through 4];

(j) [sections 5 through 10]; and

~~(i)~~(k) Title 33, chapter 40, part 1.

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked. (Subsection ~~(1)(i)~~ (1)(k) terminates December 31, 2017--sec. 14, Ch. 363, L. 2013.)""

Insert: "Section 13. Section 50-4-504, MCA, is amended to read:

"50-4-504. Definitions. As used in this part, the following definitions apply:

(1) "Authorized agent" or "agent" means a person or entity:

(a) authorized under federal or state law to receive health care information about a patient; and

(b) to whom the patient has provided a written authorization to obtain information under this part on behalf of the patient.

(2) "Billed charge" means the total dollar amount that is charged by a health care provider for health care provided to a patient and that the provider will accept as payment in full, regardless of payer type and regardless of the anticipated amount of net revenue to be received or the anticipated source of payment.

~~(1)~~(3) "Health care" includes both physical health care and mental health care.

~~(2)~~(4) "Health care provider" or "provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or practice of a profession.

~~(3)~~(5) "Health insurer" means any health insurance company, health service corporation, health maintenance organization, multiple employer welfare arrangement authorized under Title 33, chapter 35, insurer providing disability insurance as described in 33-1-207, and to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by public and private entities."

"

Insert: "Section 14. Section 50-4-511, MCA, is amended to read:

"50-4-511. Legislative purpose. The purpose of 50-4-510 through 50-4-512 is to provide health care consumers with better information on and control over the cost of their medical care and to introduce elements of competition into the marketplace.""

Insert: "Section 15. Section 50-4-512, MCA, is amended to read:

"50-4-512. Disclosures required of health care providers. (1) Upon request of a patient or ~~a patient's~~ an authorized agent, a health care provider, outpatient center for surgical services, clinic, or hospital shall provide the patient or the ~~patient's~~ agent with its estimated billed charge for a health care service or course of treatment that exceeds $500. The estimate must be provided for a service that a patient is receiving or has been recommended to receive~~. The estimate must be provided at the time the service is scheduled or within 10 business days of the patient's or agent's request~~ and must:

(a) indicate network status, if known, under the patient's health plan for a health care service or course of treatment and provide sufficient information regarding the health care service or course of treatment in order to allow the patient to receive a cost estimate from the insurer;

(b) indicate whether the services of other health care providers may be necessary to complete the required medical care and inform the patient that an estimate of those charges and information on network status must be obtained separately from the other health care providers or another health plan; and

(c) advise patients of their rights under [section 4] and this section.

(2) (a) The estimate must be provided at the time the service is provided or within 5 business days of the patient's or agent's request, whichever is sooner.

~~(2)~~(b) The patient or ~~patient's~~ agent may request that the information required under this section be provided in writing or electronically.

(3) The estimated billed charge:

(a) must represent a good faith effort to provide accurate information to the patient or the ~~patient's~~ agent;

(b) is not a binding contract upon the parties; and

(c) is not a guarantee that the estimated amount will be the charged amount or will account for unforeseen conditions.

(4) The health care provider shall offer the patient the opportunity to opt out of receiving services from a nonparticipating health care provider.

(5) This section does not apply to emergency medical services provided for the treatment of an emergency medical condition.

(6) A health care provider who fails to adhere to the requirements of this section is subject to Title 30, chapter 14.""

Insert: "NEW SECTION. **Section 16. Repealer.** The following sections of the Montana Code Annotated are repealed:

50-4-516. Short title.
50-4-517. Legislative purpose.
50-4-518. Disclosures required of health insurers -- limitations."

Insert: "NEW SECTION. **Section 17. Codification instruction.** [Sections 1 through 10] are intended to be codified as an integral part of Title 33, chapter 22, and the provisions of Title 33, chapter 22, apply to [sections 1 through 10]."

Insert: "NEW SECTION. **Section 18. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 19. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective January 1, 2018.

(2) [Sections 5 through 10] are effective January 1, 2019."

Insert: "NEW SECTION. **Section 20. Applicability.** (1) Except as provided in subsection (2), [this act] applies to insurance plans and policies issued or renewed on or after January 1, 2018.

(2) [Sections 5 through 10] apply to insurance plans and policies issued or renewed on or after January 1, 2019. "

And, as amended, be concurred in.

TAXATION (Blasdel, Chair): 3/24/2017

SB 156, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "PROVIDING"
Insert: "A DELAYED EFFECTIVE DATE AND"

2. Page 1, line 26.
Following: line 25
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2019."

Renumber: subsequent sections

3. Page 1, line 28.
Strike: "2017"
Insert: "2018"

And, as amended, do pass.

SB 317, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "2"
Insert: "4"
Following: "PROVIDING"
Insert: "A DELAYED EFFECTIVE DATE AND"

2. Page 4, line 12.
Strike: "2"
Insert: "4"

3. Page 5, line 2.
Following: line 1
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2019."
Renumber: subsequent sections

4. Page 5, line 3 through line 4.
Strike: "December" on page 5, line 3 through "2017" on page 5, line 4
Insert: "June 30, 2019"

And, as amended, do pass.

SB 347, do pass.
HB 516, be amended as follows:

1. Page 1, line 12.
Following: "collect"
Insert: "the entire balance due of"
Strike: "OF"
Insert: "when the amount equals"

2. Page 1, line 20 through page 1, line 22.
Strike: "THAT WAS" on page 1, line 20 through "SALES" on page 1, line 22
Insert: "to which a tax lien was attached pursuant to 15-17-212 and for which no assignment was made pursuant to 15-17-323 within 3 years of the attachment of the tax lien"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 131**
Report No. 001, March 24, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 131** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 131** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Strike: "80-10-103,"

2. Page 6, line 4 through line 9.
Strike: section 5 in its entirety
Renumber: subsequent sections

3. Page 9, line 11.
Strike: ", SALES BY DISTRIBUTORS FOR FINAL SALE OUT OF STATE,"

4. Page 9, line 29.
Strike: ", SALES BY DISTRIBUTORS FOR FINAL SALE OUT OF STATE,"

5. Page 9, line 30.
Strike: "MANUFACTURERS"
Insert: "them"

6. Page 10, line 3.
Strike: "(3) (a)"

7. Page 10.
Following: line 9
Insert: "(3) (a) (i) Each licensee who distributes a soil amendment or commercial fertilizer, except specialty fertilizer and unmanipulated animal or vegetable manures, to an unlicensed person in this state shall file with the department on forms approved by the department a semiannual tonnage statement for the reporting periods ending June 30 and December 31. This tonnage statement must indicate the number of net tons of each commercial fertilizer and soil amendment distributed in this state during the 6-month period. The tonnage

statement is due on or before the 30th day of the month following the close of each period 30 days after the last day of the reporting period. There are no fees associated with the semiannual tonnage statement.

(ii)"

For the Senate:	For the House:
Hoven, Chair	Cook, Vice Chair
Osmundson	Lenz
F. Smith	Perry

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/24/2017

SB 149, introduced by D. Kary
SB 157, introduced by J. Cohenour
SB 164, introduced by K. Regier
SB 178, introduced by N. Swandal
SB 219, introduced by E. Buttrey
SB 222, introduced by S. Fitzpatrick

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/24/2017

SB 143, introduced by M. Lang
SB 175, introduced by R. Webb
SB 207, introduced by F. Moore

House bills passed and transmitted to the Senate for concurrence: 3/24/2017

HB 390, introduced by D. Jones
HB 391, introduced by T. Jacobson
HB 466, introduced by S. Staffanson
HB 583, introduced by K. White

SB 59 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 59:** 3/24/2017

Representative Brodehl
Representative Lynch
Representative Patelis

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 108 - Senator Vincent moved consideration of **HB 108** be passed for the day. Motion carried.

HB 298 - Senator Blasdel moved **HB 298** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Gross, Salomon.
Total 3

HB 381 - Senator McClafferty moved **HB 381** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Gross, Salomon.
Total 3

SR 32, **SR 33**, **SR 52** - Senator Vincent moved consideration of **SR 32**, **SR 33**, and **SR 52** be passed for the day. Without objection, so ordered.

Senator Gross joined the committee at this time.

SB 343 - Senator Welborn moved **SB 343** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Swandal, Thomas, Welborn, Whitford, Wolken.
Total 26

Nays: Blasdel, Caferro, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Smith F, Tempel, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 23

Paired: Salomon, Aye; Osmundson, No.

Absent or not voting: None.
Total 0

Excused: Brown.
Total 1

SB 40 - **House Amendments** - Senator Sesso moved House amendments to **SB 40** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Fielder, Olszewski.
Total 2

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.

Total 2

SB 58 - **House Amendments** - Senator McNally moved House amendments to **SB 58** be concurred in. Motion carried unanimously.

SB 127 - **House Amendments** - Senator Sesso moved House amendments to **SB 127** be concurred in. Motion carried unanimously.

HB 77 - Senator Swandal moved **HB 77** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 351 - Senator Vincent moved **HB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 521 - Senator Pomnichowski moved **HB 521** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Olszewski.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

SB 25 - **Free Conference Committee Report No. 1** - Senator Blasdel moved the Free Conference Committee report to **SB 25** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

SB 336 - Senator Vance moved **SB 336** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

SR 50 - Senator K. Regier moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 50**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 168 - Senator Swandal moved **HB 168** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

Senator Blasdel moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 185 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: MacDonald, Malek, McClafferty, Pomnichowski, Sands, Smith F, Vuckovich.
Total 7

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

SB 329 passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

SB 340 passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

SB 344 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 22 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 103 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Vance.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 198 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle,

Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 209 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 266 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 362 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 367 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

HB 496 concurred in as follows:

Yeas: Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven,

Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Brown, Salomon.
Total 2

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 376, introduced by J. Cohenour, referred to Finance and Claims.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 57, introduced by L. Whitford, A. Olsen, D. Sands, F. Smith, J. Windy Boy, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 390, introduced by D. Jones, R. Cook, J. Essmann, T. Gauthier, L. Jones, B. Tschida, P. Webb, referred to Education and Cultural Resources.
HB 391, introduced by T. Jacobson, K. Abbott, F. Anderson, J. Bachmeier, Z. Brown, R. Cook, V. Court, A. Curtis, G. Custer, M. Dunwell, D. Fern, J. Fleming, M. Funk, F. Garner, E. Greef, J. Hamilton, B. Hamlett, A. Hertz, J. Keane, K. Kelker, J. Knokey, D. Loge, R. Lynch, N. McConnell, S. Morigeau, A. Olsen, J. Patelis, Z. Perry, G. Pierson, J. Pomnichowski, J. Price, V. Ricci, C. Schreiner, B. Smith, J. Trebas, B. Tschida, P. Webb, S. Webber, T. Welch, K. White, J. Windy Boy, referred to Taxation.
HB 466, introduced by S. Staffanson, S. Hinebauch, D. Jones, W. Sales, referred to Agriculture, Livestock and Irrigation.
HB 583, introduced by K. White, referred to Taxation.

MOTIONS

Majority Leader Thomas moved that **HB 77** and **HB 168**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 156** and **SB 347** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that the first motion on **HB 168** be disregarded and that **HB 168** be scheduled for third reading the next legislative day. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 27, 2017, the sixty-third legislative day. Motion carried.

Senate adjourned at 9:57 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 27, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/27/2017
Correctly printed: **SB 336**, **SB 339**, **SB 343**, **SB 347**, **SB 376**, **SB 377**, **SR 57**, **HB 168**, **HB 298**, **HB 351**, **HB 381**, **HB 521**.
Correctly engrossed: **SB 95**, **SB 156**, **SB 317**, **SB 333**, **SB 335**, **SB 345**, **SB 346**, **SB 367**, **HB 123**, **HB 516**.
Correctly enrolled: **SB 65**, **SB 113**, **SB 149**, **SB 152**, **SB 155**, **SB 157**, **SB 164**, **SB 169**, **SB 178**, **SB 219**, **SB 222**, **SR 35**, **SR 47**, **SR 49**, **SR 50**, **SJ 10**.
Transmitted to the House: **SB 94**, **SB 138**, **SB 185**, **SB 324**, **SB 329**, **SB 340**, **SB 344**, **HB 22**, **HB 30**, **HB 103**, **HB 198**, **HB 209**, **HB 266**, **HB 285**, **HB 288**, **HB 323**, **HB 328**, **HB 362**, **HB 367**, **HB 388**, **HB 396**, **HB 447**, **HB 496**.
Examined by the sponsor and found to be correct: **SB 151**.
Signed by the Speaker at 7:20 a.m., March 27, 2017: **SB 97**, **SB 128**, **SB 264**.
Delivered to the Governor at 10:11 a.m., March 27, 2017: **SB 97**, **SB 128**, **SB 264**.

Senator Blasdel introduced the Pages for the coming week:

Tristen Lang from Lakeside, sponsored by Senator Blasdel
Malin Nelson from Helena, sponsored by Senator McClafferty
Ryan Brown from Broadview, sponsored by Senator C. Smith
Sarah Hughes from Miles City, sponsored by Senator Moore
Zoe Reichner from Bigfork, sponsored by Senator Blasdel

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 3/24/2017
SB 337, do pass.
SB 363, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "HYDROELECTRIC FACILITY FEE;"
Insert: "ESTABLISHING A FEE FOR HYDROELECTRIC-DEPENDENT UTILITIES;"

2. Title, page 1, line 9.
Following: "23-2-512,"
Insert: "69-3-308,"

3. Page 2, line 11.
Following: "shall pay"
Strike: "an"
Insert: "a quarterly"
Strike: "$0.0004 per kilowatt hour"
Insert: "$577.75 per megawatt"

4. Page 2.
Following: line 21
Insert: "(6) For the purposes of this section, 69-3-308 does not apply, and the public service commission shall determine the appropriate recovery of this fee in rates in a proceeding held pursuant to 69-3-302 for any hydroelectric facility approved pursuant to 69-8-421."
Renumber: subsequent subsections

5. Page 2.
Following: line 23
Insert: "NEW SECTION. **Section 4. Invasive species fee for hydroelectric-dependent utilities.** (1) A utility receiving more than 50% of its annual electricity supply from hydroelectric generation supplied by a federal power marketing administration shall pay an invasive species fee of $0.0009972 per kilowatt hour of the utility's total retail sales for that quarter.

(2) A utility subject to the fee in subsection (1) shall file on forms provided by the department and pay within 30 days after the end of each quarterly period. The quarterly periods end March 31, June 30, September 30, and December 31 of each year.

(3) If the fee is not paid on or before the due date, a penalty and interest must be assessed as provided in 15-1-216. The department may waive the penalty pursuant to 15-1-216.

(4) The department may audit the records and other documents of a utility to ensure that the proper fee is paid and collected pursuant to this section.

(5) Money collected pursuant to this section must be deposited in the invasive species account established in 80-7-1004."
Renumber: subsequent sections

6. Page 9.
Following: line 10
Insert: "Section 10. Section 69-3-308, MCA, is amended to read:

"69-3-308. Disclosure of taxes and fees paid by customers of public utility -- automatic rate adjustment and tracking for taxes and fees. (1) A public utility may separately disclose in a customer's bill the amount of state and local taxes and fees assessed against the public utility that the customer is paying.

(2) (a) (i) ~~The~~ Except as provided in [section 3], the commission shall allow a public utility to file rate schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and fees, except state income tax, paid by the public utility. The resulting rate

schedule changes must include:

(A) adjustments for the net change in federal and state income tax liability caused by the deductibility of state and local taxes and fees;

(B) retroactive tax adjustments; and

(C) adjustments related to the resolution of property taxes paid under protest.

(ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases and decreases.

(b) The amended rates must automatically go into effect on January 1 following the date of change in taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c).

(c) The amended rate schedule must be filed with the commission on or before the effective date of the change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public utility to address any errors or omissions including, if necessary, any refunds due customers.

(d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval on the part of the commission.

(e) A public utility may challenge an order issued by the commission under subsection (2)(c) in accordance with the provisions of 69-3-401 through 69-3-405.""

Renumber: subsequent sections

7. Page 9, line 16.
Strike: "and"
Following: "[section 4],"
Insert: "and [section 5],"

8. Page 11, line 9.
Strike: "[Section 3] is"
Insert: "[Sections 3 and 4] are"
Strike: "chapter 51,"

9. Page 11, line 10.
Strike: "chapter 51,"
Strike: "[section 3]"
Insert: "[sections 3 and 4]"

10. Page 11, line 11.
Strike: "4"
Insert: "5"

11. Page 11, line 12.
Strike: "4"
Insert: "5"

12. Page 11, line 16.

Strike: "[Section 3] applies"
Insert: "[Sections 3 and 4] apply"

13. Page 11, line 18.
Strike: "[Section 4]"
Insert: "[Section 5]"

14. Page 11, line 20.
Strike: "5 and 9(6)"
Insert: "6 and 11(6)"

And, as amended, do pass.

TAXATION (Blasdel, Chair): 3/24/2017
SB 333, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "DISPENSARIES"
Insert: "AND ENDORSEMENTS FOR CHEMICAL MANUFACTURING"

2. Title, page 1, line 9.
Following: "PROVIDERS;"
Insert: "PROVIDING FOR THE ASSESSMENT AND COLLECTION OF THE TAX;"

3. Title, page 1, line 11.
Following: "50-46-320,"
Insert: "50-46-327,"
Following: "50-46-330,"
Insert: "50-46-343,"

4. Page 3.
Following: line 29
Insert: "(2) "Chemical manufacturing" means the production of marijuana concentrate."
Renumber: subsequent subsections

5. Page 5, line 23.
Following: "cultivated"
Insert: ", chemical manufacturing will occur,"

6. Page 7, line 15.
Strike: "and"

7. Page 7.
Following: line 15
Insert: "(c) the issuance of endorsements for chemical manufacturing to a provider or a marijuana-

infused products provider who applies for a chemical manufacturing endorsement and meets requirements established by the department by rule; and"
Renumber: subsequent subsection

8. Page 7, line 28.
Following: "license"
Insert: "or an employee of a licensee"

9. Page 8, line 4.
Following: "(4)"
Insert: "(a)"

10. Page 8, line 5.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

11. Page 8.
Following: line 8
Insert: "(iii) indicate whether a provider or marijuana-infused products provider has an endorsement for chemical manufacturing;"
Renumber: subsequent subsections

12. Page 8, line 12.
Following: line 11
Insert: "(b) In addition to complying with subsection (4)(a), registry identification cards issued pursuant to this part must also include a:
(i) picture of the registered cardholder; and
(ii) microprocessor chip, magnetic stripe, bar code, or other electronic information storage device that is capable of being used to track registered cardholder purchases."

13. Page 8, line 15.
Following: "card"
Insert: ", "
Strike: "or"
Following: "license"
Insert: ", or endorsement"

14. Page 8, line 23.
Following: "Licenses"
Insert: "and endorsements"

15. Page 8, line 25.
Following: "(8)"
Insert: "(a)"

16. Page 8, line 27.
Following: "change."
Insert: "(b) A registered cardholder who possesses mature plants or seedlings under 50-46-319(1)(b) shall notify the department of the location of the plants and seedlings or any change of location of plants or seedlings. The department shall provide the names and locations of cardholders who possess mature plants or seedlings to the local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332.
(c)"

17. Page 8, line 30.
Strike: "or licenses"
Strike: "subsection"
Insert: "subsections (8)(b) and"

18. Page 9, line 5.
Strike: "or license"

19. Page 9, line 6.
Following: "names"
Insert: "and phone numbers"

20. Page 9, line 7 through line 10.
Strike: "locations of dispensaries"
Insert: "city, town, or county where registered premises"
Following: "laboratories"
Insert: "are located"
Strike: "local" on page 9, line 7 through "50-46-332" on line 10
Insert: "public on the department's website. The department may not disclose the physical location or address of a provider, marijuana-infused products provider, dispensary, or testing laboratory"

21. Page 9, line 13.
Following: "providers licensed,"
Insert: "the number of endorsements approved for chemical manufacturing,"

22. Page 16, line 20.
Strike: "5 years"
Insert: "1 year"

23. Page 17, line 13.
Strike: "operate dispensaries"
Strike: ";"
Insert: ":

(i) operate dispensaries; and
(ii) engage in chemical manufacturing in accordance with rules adopted by the department;"

24. Page 17, line 14.
Following: "manufacture"
Insert: "marijuana concentrates and"

25. Page 17, line 28 through page 18, line 2.
Strike: "the following" on page 17, line 28 through "master's" on page 18, line 2
Insert: "at least a bachelor's"

26. Page 18, line 3.
Strike: "and a" through "experience"

27. Page 18, line 9.
Strike: "owns and"

28. Page 18, line 14.
Following: "marijuana"
Insert: ", marijuana concentrate,"

29. Page 18, line 23.
Following: "license"
Insert: "or an endorsement for chemical manufacturing"

30. Page 19, line 11.
Following: "license"
Insert: "or endorsement"

31. Page 20, line 1.
Strike: "products must be tested"
Insert: "department shall adopt rules regarding the types of tests that must be performed to ensure product safety and consumer protection. Rules must include but are not limited to testing"

32. Page 20, line 2.
Following: "present;"
Insert: "and"

33. Page 20, line 3 through line 5.
Strike: subsection (b) through subsection (c) in their entirety

34. Page 20.
Following: line 5
Insert: "(b) the presence of contaminants."

35. Page 20, line 6 through line 9.
Strike: subsection (4) through subsection (5) in their entirety
Renumber: subsequent subsections

36. Page 20, line 14 through line 15.
Strike: "The original testing" on page 20, line 14 through "results." on page 20, line 15
Insert: "The department shall adopt rules that provide for retesting parameters and requirements."

37. Page 22, line 2.
Strike: "4"
Insert: "2"
Strike: "12"
Insert: "4"

38. Page 22, line 3.
Strike: "produced by the mature plants"
Insert: "allowed by the department by rule"

39. Page 22, line 5.
Strike: "8"
Insert: "4"
Strike: "24"
Insert: "8"

40. Page 22, line 6.
Strike: ""produced by the mature plants"
Insert: "allowed by the department by rule"

41. Page 22, line 8.
Following: line 7
Insert: "(iii) A registered cardholder who possesses mature plants or seedlings shall notify the department of the location of the plants and seedlings pursuant to 50-46-303(8)(b)."

42. Page 24, line 28.
Strike: "dispensary or testing laboratory "
Insert: "licensee"

43. Page 24, line 29.
Strike: "dispensary or testing laboratory"
Following: "employee"
Insert: "of a licensee"

44. Page 26, line 3.
Following: "manufacture"
Insert: "marijuana concentrates or"

45. Page 26, line 15.
Following: "marijuana"
Insert: ", marijuana concentrates,"

46. Page 26, line 23.
Strike: "dispensary or testing laboratory"
Insert: "licensee"

47. Page 26, line 24.
Strike: "dispensary or testing laboratory"
Following: "employee"
Insert: "of a licensee"

48. Page 27, line 10.
Following: "renewal."
Insert: "(8) A provider or marijuana-infused products provider who violates [section 19] or [section 20] is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department of revenue certifies compliance with [section 19] and [section 20]."

49. Page 27, line 11.
Insert: "Section 11. Section 50-46-327, MCA, is amended to read:

"50-46-327. (Temporary) Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions. (1) (a) A physician who provides written certifications may not:

(i) accept or solicit anything of value, including monetary remuneration, from a provider or marijuana-infused products provider;

(ii) offer a discount or any other thing of value to a person who uses or agrees to use a particular provider or marijuana-infused products provider; or

(iii) examine a patient for the purposes of diagnosing a debilitating medical condition at a ~~location where marijuana to be used for a debilitating medical condition is cultivated or manufactured or where marijuana-infused products are made~~ registered premises or a testing laboratory.

(b) Subsection (1)(a) does not prevent a physician from accepting a fee for providing medical care to a provider or marijuana-infused products provider if the physician charges the person the same fee that the physician charges other patients for providing a similar level of medical care.

(2) If the department has cause to believe that a physician has violated this section, has violated a provision of rules adopted pursuant to this chapter, or has not met the standard of care required under this chapter, the department may refer the matter to the board of medical examiners provided for in 2-15-1731 for review pursuant to 37-1-308.

(3) A violation of this section constitutes unprofessional conduct under 37-1-316. If the board of medical examiners finds that a physician has violated this section, the board shall restrict the physician's authority to provide written certification for the use of marijuana. The board of medical examiners shall notify the department of the sanction.

(4) If the board of medical examiners believes a physician's practices may harm the public health, safety, or welfare, the board may summarily restrict a physician's authority to provide written certification for the use of marijuana for a debilitating medical condition.

50-46-327. (Effective June 30, 2017) Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions. (1) (a) A physician who provides written certifications may not:

(i) accept or solicit anything of value, including monetary remuneration, from a provider or marijuana-infused products provider;

(ii) offer a discount or any other thing of value to a patient who uses or agrees to use a particular provider or marijuana-infused products provider; or

(iii) examine a patient for the purposes of diagnosing a debilitating medical condition at a ~~location where marijuana to be used for a debilitating medical condition is cultivated or where marijuana-infused products are produced~~ registered premises or a testing laboratory.

(b) Subsection (1)(a) does not prevent a physician from accepting a fee for providing medical care to a provider or marijuana-infused products provider if the physician charges the individual the same fee that the physician charges other patients for providing a similar level of medical care.

(2) If the department has cause to believe that a physician has violated this section, has violated a provision of rules adopted pursuant to this part, or has not met the standard of care required under this part, the department may refer the matter to the board of medical examiners provided for in 2-15-1731 for review pursuant to 37-1-308.

(3) A violation of this section constitutes unprofessional conduct under 37-1-316. If the board of medical examiners finds that a physician has violated this section, the board shall restrict the physician's authority to provide written certification for the use of marijuana. The board of medical examiners shall notify the department of the sanction.

(4) If the board of medical examiners believes a physician's practices may harm the public health, safety, or welfare, the board may summarily restrict a physician's authority to provide written certification for the use of marijuana for a debilitating medical condition.""

Renumber: subsequent sections

50. Page 27, line 29.
Strike: "may"
Insert: "shall"

51. Page 27, line 30.
Following: "."
Insert: "The department shall report biennially to the children, families, health, and human services interim committee concerning the results of unannounced inspections."

52. Page 29, line 6.
Following: "card"
Insert: ","
Strike: "or"
Following: "license"

Insert: ", or endorsement"

53. Page 29, line 13.
Following: "marijuana"
Insert: ", engaging in chemical manufacturing,"

54. Page 29, line 18.
Insert: "Section 14. Section 50-46-343, MCA, is amended to read:

"50-46-343. Legislative monitoring. (1) The children, families, health, and human services interim committee shall provide oversight of the department's activities ~~related to registering individuals~~ pursuant to this part, including but not limited to monitoring of:

(a) the number of registered cardholders and licensees ~~and of~~;

(b) issues related to the cultivation, manufacture, sale, testing, and use of marijuana ~~pursuant to this part~~; and

(c) the development, implementation, and use of the seed-to-sale tracking system established in accordance with 50-46-303.

(2) The committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature.""
Renumber: subsequent sections

55. Page 29, line 22 through line 23.
Following: "applications" on line 22
Insert: "for licenses and endorsements and applications"
Strike: "[for" on line 22 through "and]" on line 23

56. Page 29, line 24.
Following: renewal of"
Insert: "licenses, endorsements, and"

57. Page 29.
Following: line 28
Insert: "(e) the security and operating requirements for chemical manufacturing, including but not limited to requirements for:

(i) safety equipment;

(ii) extraction methods, including solvent-based and solvent-free extraction; and

(iii) postprocessing procedures;

(f) the amount of usable marijuana that a registered cardholder who has not named a provider or marijuana-infused products provider may possess;"
Renumber: subsequent subsections

58. Page 30, line 2.
Following: "the testing"
Insert: "and retesting"

59. Page 30, line 12.

Strike: "$1,000"
Insert: "$2,000"

60. Page 30, line 13.
Strike: "$5,000"
Insert: "$10,000"

61. Page 30, line 16.
Strike: "fee"
Insert: "fees"
Following: "for"
Insert: "dispensaries, endorsements for chemical manufacturing, and"

62. Page 30, line 27.
Strike: "[section 15]"
Insert: "[sections 17 through 25]"

63. Page 30, line 30.
Following: "Act"
Insert: "and tracking system development"

64. Page 31, line 4.
Following: line 3
Insert: "NEW SECTION. **Section 17. Definitions.** As used in [sections 17 through 25], the following definitions apply:

(1) "Department" means the department of revenue provided for in 2-15-1301.

(2) "Marijuana product" means marijuana as defined in 50-32-101 and marijuana-infused products as defined in 50-46-302.

(3) "Marijuana product provider" means provider or a marijuana-infused products provider as those terms are defined in 50-46-302.

(4) "Person" means an individual, firm, partnership, corporation, association, company, committee, other group of persons, or other business entity, however formed.

(5) "Purchaser" means a person to whom a sale of a marijuana product is made.

(6) "Retail price" means the established price for which a marijuana product provider sells a marijuana product to a purchaser before any discount or reduction.

(7) "Sale" or "sell" means any transfer of marijuana products for consideration, exchange, barter, gift, offer for sale, or distribution in any manner or by any means."
Renumber: subsequent sections

65. Page 31, line 4.
Strike: "**providers and marijuana-infused products**"
Insert: "**marijuana product**"
Following: "(1)"
Insert: "(a)"

66. Page 31, line 5.
Strike: "of 2%"
Insert: "equal to the percentage provided in subsection (1)(b)"
Strike: "provider's and marijuana-infused products"
Insert: "marijuana product"

67. Page 31, line 7.
Following: line 6
Insert: "(b) The percentage of tax on gross sales in subsection (1)(a) is as follows:

(i) for gross sales during the calendar quarters beginning July 1, 2017, and ending June 30, 2018, the amount is 4%; and

(ii) for gross sales during the calendar quarters beginning July 1, 2018, and thereafter, the amount is 2%."

68. Page 31, line 7.
Strike: "provider or marijuana-infused products"
Insert: "marijuana product"

69. Page 31, line 9.
Strike: "provider or marijuana-infused products"
Insert: "marijuana product"

70. Page 31, line 12.
Strike: "provider or marijuana-infused products"
Insert: "marijuana product"

71. Page 31, line 13.
Strike: "2%"
Insert: "the percentage provided in subsection (1)(b)"

72. Page 31, line 16 through line 25.
Strike: line 16 through line 25
Insert: "(5) The tax imposed by [sections 17 through 25] and related interest and penalties are a personal debt of the person required to file a return from the time that the liability arises, regardless of when the time for payment of the liability occurs.

(6) For the purpose of determining liability for the filing of statements and the payment of taxes, penalties, and interest owed under [sections 19 through 22]:

(a) the officer of a corporation whose responsibility it is to truthfully account for and pay to the state taxes provided for in [sections 19 through 22] and who fails to pay the taxes is liable to the state for the taxes and the penalty and interest due on the amounts;

(b) each officer of the corporation, to the extent that the officer has access to the requisite records, is individually liable along with the corporation for filing statements and for unpaid taxes, penalties, and interest upon a determination that the officer:

(i) possessed the responsibility to file statements and pay taxes on behalf of the corporation; and

(ii) possessed the responsibility on behalf of the corporation for directing the filing of tax statements or the payment of other corporate obligations and exercised that responsibility, resulting in the corporation's failure to file statements required by [sections 17 through 25] or pay taxes due as required by [sections 17 through 25];

(c) each partner of a partnership is jointly and severally liable, along with the partnership, for any statements, taxes, penalties, and interest due while a partner;

(d) each member of a limited liability company that is treated as a partnership or as a corporation for income tax purposes is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member;

(e) the member of a single-member limited liability company that is disregarded for income tax purposes is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member; and

(f) each manager of a manager-managed limited liability company is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a manager.

(7) In determining which corporate officer is liable, the department is not limited to considering the elements set forth in subsection (6)(a) to establish individual liability and may consider any other available information.

(8) In the case of a bankruptcy, the liability of the individual remains unaffected by the discharge of penalty and interest against the corporation. The individual remains liable for any statements and the amount of taxes, penalties, and interest unpaid by the entity."

73. Page 31, line 27.
Following: line 26
Insert: "NEW SECTION. **Section 19. Returns -- payment -- recordkeeping -- authority of department.** (1) Each marijuana product provider shall file a return, on a form provided by the department, and pay the tax due as provided in [section 18].

(2) Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.

(3) (a) A person required to pay to the department the taxes imposed by [sections 17 through 25] shall keep for 5 years:

(i) all receipts issued; and

(ii) an accurate record of all sales of marijuana products, showing the name and address of each purchaser, the date of sale, and the quantity, kind, and retail price of each product sold.

(b) For the purpose of determining compliance with the provisions of [sections 17 through 25], the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

(i) require the attendance of a person having knowledge or information relevant to a return;

(ii) compel the production of books, papers, records, or memoranda by the person required to attend;

(iii) implement the provisions of 15-1-703 if the department determines that the collection

of the tax is or may be jeopardized because of delay;

(iv) take testimony on matters material to the determination; and

(v) administer oaths or affirmations.

(4) Pursuant to rules established by the department, returns may be computer-generated and electronically filed."

Insert: "NEW SECTION. **Section 20. Deficiency assessment -- penalty and interest -- statute of limitations.** (1) If the department determines that the amount of the tax due is greater than the amount disclosed by a return, it shall mail to the marijuana product provider a notice, pursuant to 15-1-211, of the additional tax proposed to be assessed. The notice must contain a statement that if payment is not made, a warrant for distraint may be filed. The marijuana product provider may seek review of the determination pursuant to 15-1-211.

(2) Penalty and interest must be added to a deficiency assessment as provided in 15-1-216. The department may waive any penalty pursuant to 15-1-206.

(3) The amount of tax due under any return may be determined by the department within 5 years after the return was filed, regardless of whether the return was filed on or after the last day prescribed for filing. For purposes of this section, a tax return due under [sections 17 through 25] and filed before the last day prescribed by law or rule is considered to be filed on the last day prescribed for filing."

Insert: "NEW SECTION. **Section 21. Procedure to compute tax in absence of statement -- estimation of tax -- failure to file -- penalty and interest.** (1) If the marijuana product provider fails to file any return required by [section 19] within the time required, the department may, at any time, audit the marijuana product provider or estimate the taxes due from any information in its possession and, based on the audit or estimate, assess the marijuana product provider for the taxes, penalties, and interest due the state.

(2) The department shall impose penalty and interest as provided in 15-1-216. The department shall mail to the marijuana product provider a notice, pursuant to 15-1-211, of the tax, penalty, and interest proposed to be assessed. The notice must contain a statement that if payment is not made, a warrant for distraint may be filed. The marijuana product provider may seek review of the determination pursuant to 15-1-211. The department may waive any penalty pursuant to 15-1-206. "

Insert: "NEW SECTION. **Section 22. Authority to collect delinquent taxes.** (1) (a) The department shall collect taxes that are delinquent as determined under [sections 17 through 25].

(b) If a tax imposed by [sections 17 through 25] or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the marijuana product provider from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the marijuana product provider has the right to a review of the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the marijuana product provider if a claim is required before funds are available for offset."

Insert: "NEW SECTION. **Section 23. Refunds -- interest -- limitations.** (1) A claim for a refund or credit as a result of overpayment of taxes collected under [sections 17 through 25] must be filed within 5 years of the date that the return was due, without regard to any extension of time for filing.

(2) (a) Interest paid by the department on an overpayment must be paid or credited at the same rate as the rate charged on delinquent taxes under 15-1-216.

(b) Except as provided in subsection (2)(c), interest must be paid from the date that the return was due or the date of overpayment, whichever is later. Interest does not accrue during any period in which the processing of a claim is delayed more than 30 days because the taxpayer has not furnished necessary information.

(c) The department is not required to pay interest if:

(i) the overpayment is refunded or credited within 6 months of the date that a claim was filed; or

(ii) the amount of overpayment and interest does not exceed $1."

Insert: "NEW SECTION. **Section 24. Information -- confidentiality -- agreements with another state.** (1) (a) Except as provided in subsections (2) through (5), in accordance with 15-30-2618 and 15-31-511, it is unlawful for an employee of the department or any other public official or public employee to disclose or otherwise make known information that is disclosed in a return or report required to be filed under [sections 17 through 25] or information that concerns the affairs of the person making the return and that is acquired from the person's records, officers, or employees in an examination or audit.

(b) This section may not be construed to prohibit the department from publishing statistics if they are classified in a way that does not disclose the identity of a person making a return or the content of any particular report or return. A person violating the provisions of this section is subject to the penalty provided in 15-30-2618 or 15-31-511 for violating the confidentiality of individual income tax or corporate income tax information.

(2) (a) This section may not be construed to prohibit the department from providing information obtained under [sections 17 through 25] to:

(i) the department of justice to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under [sections 17 through 25]; or

(ii) the department of public health and human services to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the Montana Medical Marijuana Act.

(b) The department may enter into an agreement with the taxing officials of another state for the interpretation and administration of the laws of their state that provide for the collection of a sales tax or use tax in order to promote fair and equitable administration of the laws and to eliminate double taxation.

(c) In order to implement the provisions of [sections 17 through 25], the department may furnish information on a reciprocal basis to the taxing officials of another state if the information remains confidential under statutes within the state receiving the information that are similar to this section.

(3) In order to facilitate processing of returns and payment of taxes required by [sections 17 through 25], the department may contract with vendors and may disclose data to the vendors. The data disclosed must be administered by the vendor in a manner consistent with this section.

(4) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of [sections 17 through 25] or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of [sections 17 through 25] or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(5) This section may not be construed to limit the investigative authority of the legislative branch, as provided in 5-11-106, 5-12-303, or 5-13-309."

Insert: "NEW SECTION. **Section 25. Department to make rules.** The department of revenue shall prescribe rules necessary to carry out the purposes of imposing and collecting the marijuana tax on gross sales."

Renumber: subsequent sections

74. Page 31, line 29.
Strike: "[Section 15] is"
Insert: "[Sections 17 through 25] are"

75. Page 31, line 30.
Strike: "[section 15]"
Insert: "[sections 17 through 25]"

76. Page 32, line 9.
Strike: "14 and 15"
Insert: "17 through 25"

77. Page 32, line 10.
Following: "sections"
Insert: "3(4)(b),"
Following: "6(6),"
Insert: "9(1)(b)(i), 9(1)(b)(ii),"
Strike: "11(2)(b)"
Insert: "12(2)(b)"

78. Page 32, line 14.
Following: "sections"
Insert: "3(4)(b),"
Following: "8,"
Insert: "9(1)(b)(i), 9(1)(b)(ii),"
Strike: "11(2)(b)"
Insert: "12(2)(b)"

79. Page 32, line 16.
Following: "sections"
Insert: "3(4)(b),"
Following: "8,"
Insert: "9(1)(b)(i), 9(1)(b)(ii),"

Strike: "11(2)(b)"
Insert: "12(2)(b)"

And, as amended, do pass.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 377, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 108 - Senator Whitford moved **HB 108** be concurred in.

HB 108 - Senator Vincent moved **HB 108**, second reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "A"

2. Page 1, line 18.
Strike: "MUST BE REMOVED FROM THE SITE OF THE KILL AND"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Brown, Caferro, Fielder, Hinebauch, Hinkle, Keenan, Swandal, Vuckovich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 108 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 236 - Senator Fielder moved **SB 236** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Boland, Cohenour, Gross, MacDonald, Malek, McClafferty, Phillips, Sands, Smith F.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 25, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 40, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 58, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 127, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 336 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 343 failed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 25

Nays: Blasdel, Brown, Caferro, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 168 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Brown, Hinebauch, Keenan, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 351 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 381 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Keenan, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 521 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Ankney moved to change his vote on the **amendment to HB 108** from No to Yes.
Without objection, so ordered.

Majority Leader Thomas moved that **SB 345** and **SB 363** be taken from the second reading board re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, March 28, 2017, the sixty-fourth legislative day. Motion carried.

Senate adjourned at 2:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 28, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Connell . Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/28/2017
Correctly printed: **SB 236**, **SB 337**.
Correctly engrossed: **SB 338**, **SB 363**, **HB 100**, **HB 108**, **HB 373**, **HB 404**, **HB 426**, **HB 507**, **HB 533**.
Correctly enrolled: **SB 40**, **SB 58**, **SB 127**.
Examined by the sponsor and found to be correct: **SB 40**, **SB 58**, **SB 65**, **SB 113**, **SB 127**, **SB 149**, **SB 152**, **SB 155**, **SB 157**, **SB 164**, **SB 169**, **SB 178**, **SB 219**, **SB 222**, **SR 35**, **SR 47**, **SR 49**, **SR 50**, **SJ 10**.
Transmitted to the House: **SB 336**, **HB 168**, **HB 298**, **HB 351**, **HB 381**, **HB 521**.
Signed by the President at 3:36 p.m., March 28, 2017: **SB 8**, **SB 20**, **SB 79**, **SB 81**, **SB 103**, **SB 115**, **SB 121**, **SB 151**.
Signed by the Secretary of the Senate at 4:05 p.m., March 28, 2017: **SB 8**, **SB 20**, **SB 79**, **SB 81**, **SB 103**, **SB 115**, **SB 121**, **SB 151**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/28/2017
SB 170, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "(A)"
Insert: "(i) the unmanned aerial vehicle is operated for government or commercial purposes in compliance with authorization granted by the federal aviation administration; and
(ii) the unmanned aerial vehicle is flown over the real property described in subsection (1) above an altitude of 250 feet; or
(b)"

2. Page 1, line 20 through line 24.
Strike: "(B)" on line 20 through "(I)" on line 24
Insert: "(c)"

3. Page 1, line 26.
Strike: "(ii)"

Insert: "(d)"

4. Page 1, line 28.
Strike: "(iii)"
Insert: "(e)"

5. Page 1, line 29.
Strike: "(A)"
Insert: "(i)"

6. Page 2, line 1.
Strike: "(B)"
Insert: "(ii)"

7. Page 2, line 2.
Strike: "(C)"
Insert: "(iii)"

8. Page 2, line 5.
Strike: "(IV)"
Insert: "(f)"

9. Page 2, line 12.
Following: "this section,"
Insert: "the following definitions apply:

(a) "Critical infrastructure facility" means one of the following, if completely enclosed by a fence or other physical barrier:
(i) a petroleum or alumina refinery;
(ii) an electrical power generating facility substation, switching station, or electrical control center;
(iii) a chemical, polymer, pharmaceutical, or rubber manufacturing facility;
(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
(v) a natural gas compressor station;
(vi) a liquid natural gas terminal or storage facility;
(vii) a telecommunications central switching office;
(viii) wireless telecommunications infrastructure, including cell towers;
(ix) a port, railroad switching yard, trucking terminal, or other freight transportation facility;
(x) a gas processing plant, including a plant used in processing, treatment, or fractionation of natural gas;
(xi) a transmission facility used by a federally licensed radio or television station;
(xii) a dam that is regulated by the state or federal government;
(xiii) a correctional facility or law enforcement facility;
(xiv) a railroad conducting railroad-related purposes, including but not limited to inspection, rescue, disaster investigation, or other safety, emergency, and nonemergency purposes;

(xv) a hospital;
(xvi) a feedlot or livestock enclosure.
(b)"
Strike: "unmanned"
Insert: "Unmanned"

10. Page 2, line 13.
Strike: "(a)"
Insert: "(i)"

11. Page 2, line 14.
Strike: "(b)"
Insert: "(ii)"

And, as amended, do pass.

SB 353, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "ALLOWABLE"
Insert: "RURAL"
Strike: "COSTS"
Insert: "ALLOWABLE CHARGES"

2. Title, page 1, line 6.
Strike: "THE RECEIPTS"
Insert: "CERTAIN CHARGES"

3. Page 1, line 14.
Following: "(1)"
Insert: "(a)"
Strike: "has the meaning provided in 50-6-302."
Insert: "means a privately or publicly owned aircraft that is maintained and used for the transportation of patients.
(b) The term does not include:
(i) an aircraft owned by or operated under the direct control of the United States; or
(ii) air transportation services, such as charter or fixed-based operators, that are regulated by the federal aviation administration and that offer no special medical services or provide only transportation to patients or persons at the direction or under the supervision of an independent physician."

4. Page 1, line 21.
Following: "(1)"
Insert: "(a)"

5. Page 1, line 22.
Strike: "on all"
Insert: "any time"

6. Page 1, line 23.
Strike: "charged to a patient for any charges"
Insert: "are billed that are"
Strike: "300% of allowable"
Insert: "275% of rural"
Following: "medicare"
Insert: "allowable"

7. Page 1.
Following: line 23
Insert: "(b) The excise tax applies to all billed charges of a transport that meet the criteria in subsection (1)(a)."

8. Page 1, line 25 through line 26.
Following: "state and"
Strike: "is based" on line 25 through "in the state" on line 26
Insert: "may not be passed through in other charges as a recoverable cost"

9. Page 2, line 14.
Strike: "300% of the allowable"
Insert: "275% of the rural"
Following: "medicare"
Strike: "rate"
Insert: "allowable charges"

And, as amended, do pass.

SB 355, introduced bill, be amended as follows:

1. Page 4, line 16.
Following: "bureau."
Insert: "(5) A nonprofit convention and visitors bureau that exists before [the effective date of this act] may not dissolve and reorganize using high school district boundaries."

And, as amended, do pass.

SB 362, introduced bill, be amended as follows:

1. Page 2, line 18.
Following: "licensed"
Strike: ", certified" on line 18 through "profession" on line 19

Insert: "under Title 37, chapter 3, to practice medicine in this state"

2. Page 3, line 17.
Following: "measures"

Insert: ", if available,"

3. Page 4, line 12.
Following: "provider located"
Insert: ": (a) out of state; or
(b)"

4. Page 6, line 17.
Following: "this part"
Insert: "but is not required to file a plan's incentive program with the commissioner of insurance as required under [section 5(4)(a)]"

5. Page 7, line 5.
Following: "this part"
Insert: "but is not required to file a plan's incentive program with the commissioner of insurance as required under [section 5(4)(a)]"

6. Page 11, line 18.
Following: "means"
Insert: ": (a)"

7. Page 11, line 19.
Following: "service"
Insert: "if the service is being provided by:
(i) a physician;
(ii) any other type of health care provider as defined in subsection (4)(a) who is employed by a facility listed in subsection (4)(b); or
(iii) a health care provider as defined in subsection (4)(b); or
(b) the charge for an individual health care provider's health care service if the provider meets the definition of subsection (4)(a) and is not employed by a facility listed in subsection (4)(b)"

8. Page 12, line 13 through line 14.
Following: "health plan"
Strike: "and," on line 13 through "insurer" on line 14
Following: ";"
Insert: "and"

9. Page 12, line 15.
Following: "(b)"

Insert: "if known, "

10. Page 12, line 16.
Strike: "required medical care"
Insert: "health care service or course of treatment being provided or recommended by the health care provider"

11. Page 12, line 17 through line 18.
Strike: "; and" through "50-4-518"

12. Page 12, line 20.
Following: "the patient"
Insert: "from the health care provider"

13. Page 12, line 21.
Following: "websites"
Insert: ", if available,"

And, as amended, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/27/2017
SB 361, do pass.

FINANCE AND CLAIMS (Jones, Chair): 3/27/2017
SB 338, introduced bill, be amended as follows:

1. Page 13.
Following: line 8
Insert: "NEW SECTION. **Section 15**. **Implementation.** The department of environmental quality shall implement [this act] within existing resources."
Renumber: subsequent sections

And, as amended, do pass.

JUDICIARY (Regier, Chair): 3/28/2017
HB 404, be amended as follows:

1. Page 1, line 18.
Strike: "with the intent to never reclaim it"

2. Page 1, line 19.
Strike: "with respect to the premises,"
Following: "up"
Insert: "possession of"
Strike: "with the intent to never reenter"

3. Page 9, line 18.
Strike: "with the intent to never reclaim it"

4. Page 9, line 19.
Strike: "with respect to the premises,"
Following: "up"
Insert: "possession of"
Strike: "with the intent to never reenter"

5. Page 19, line 15.
Following: line 15
Insert: "COORDINATION SECTION. **Section 19. Coordination instruction.** If Senate Bill No. 144 and [this act] are both passed and approved and if both contain a section that amends 70-24-108, then the section in Senate Bill No. 144 that amends 70-24-108 is void."

And, as amended, be concurred in.

HB 426, be amended as follows:

1. Page 1, line 13.
Following: "prison"
Insert: "that contracts with a telecommunications service provider to provide telecommunications services for inmates"

2. Page 1, line 25 through line 26.
Strike: "that requested" on line 25 through "mailed" on line 26
Insert: "mail the refund"

And, as amended, be concurred in.

LEGISLATIVE ADMINISTRATION (Keenan, Chair): 3/27/2017
HB 100, be amended as follows:

1. Page 2, line 28.
Strike: "90"
Insert: "180"

2. Page 3, line 1.
Strike: "90"
Insert: "180"

And, as amended, be concurred in.

LOCAL GOVERNMENT (Webb, Chair): 3/27/2017
HB 373, be amended as follows:

1. Page 6, line 22.
Strike: "7-8-2502 and"

And, as amended, be concurred in.

HB 507, be amended as follows:

1. Title, page 1, line 6 through line 8.
Strike: "AND ALLOWING" on line 6 through "RULEMAKING AUTHORITY" on line 8

2. Page 1, line 15.
Strike: "attend a preapplication meeting with the reviewing authority and"

3. Page 1, line 17.
Strike: "shall"
Insert: "may"

4. Page 1, line 18.
Following: "schedule the"
Insert: "requested"

5. Page 1, line 21 through line 23.
Strike: "Within 6 months" on line 21 through "preapplication meeting." on line 23

6. Page 1, line 28.
Following: "application"
Insert: "if required"

7. Page 1, line 28 through line 29.
Strike: "and attending" on line 28 through "subsection (1)" on line 29

8. Page 2, line 3.
Strike: "all of"
Strike: "this chapter, including [section 2], and the rules adopted pursuant to this chapter"
Insert: "[section 2(1)]"

9. Page 2, line 6.
Following: "address the"
Insert: "missing"

10. Page 2, line 14 through line 15.
Strike: "or if the reviewing" on line 14 through "decisionmaking authority" on line 15

11. Page 2, line 16.
Following: "recommendation"

Insert: "for approval"
Following: "to the department"
Insert: "or deny the application"

12. Page 2, line 17 through line 18.
Strike: "that has not" on line 17 through "by the department" on line 18

13. Page 2, line 21.
Strike: "reviewing authority" in two places
Insert: "department" in both places

14. Page 2, line 29.
Following: line 28
Insert: "(ii) If the reviewing authority denies an application and the applicant resubmits a corrected application after 30 days after the date of the denial letter, the reviewing authority shall complete review of the resubmitted application within:
(A) 55 days after receipt of the resubmitted application if the reviewing authority is the department; or
(B) 45 days after receipt of the resubmitted application if the reviewing authority is a local department or board of health."
Renumber: subsequent subsections

15. Page 2, line 29 through line 30.
Strike: "but" on line 29 through "by the department" on line 30
Insert: "and the reviewing authority makes a recommendation to the department for approval of the application"

16. Page 3, line 2.
Following: "under"
Insert: "subsection"
Following: "(3)(d)(i)"
Insert: "or (3)(d)(ii)"

17. Page 3, line 3 through line 5.
Strike: subsection (iii) in its entirety

18. Page 3, line 9 through line 10.
Strike: "The extension may" on line 9 through "extension." on line 10
Insert: "An extension may not exceed 30 days; however, the reviewing authority may issue more than one extension."

19. Page 3, line 12.
Following: "**application**"
Insert: "-- supplemental information"
Following: "**.**"

Insert: "(1)"

20. Page 3, line 13 through line 17.
Strike: "whatever information" on line 13 through "76-3-604(7)" on line 17
Insert: "information required under rules adopted pursuant to this chapter, and any additional information the applicant feels necessary.
(2) In addition to the information required for the submission of the application under subsection (1), before the reviewing authority makes a final decision on the application, the applicant shall provide:
(a) a copy of the certification from the local health department required by 76-4-104(6)(k);
(b) if required under Title 76, chapter 3, an approval from the local governing body under Title 76, chapter 3; and
(c) any public comments or summaries of public comments collected as provided in 76-3-604(7)"

21. Page 10, line 4 through line 9.
Strike: subsection (7) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/27/2017
SB 352, do pass.
SB 368, do pass.
HB 533, be amended as follows:

1. Page 2, line 15.
Strike: "and actuarial policies"

2. Page 2, line 17.
Strike: "Subject" through "(5)(c), each"
Insert: "Each"

3. Page 2, line 28 through page 3, line 2.
Strike: subsection (c) in its entirety

And, as amended, be concurred in.

TAXATION (Blasdel, Chair): 3/28/2017
SB 348, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "FEE OF 0.01 CENT PER DOSE OF"
Insert: "TAX ON"

2. Title, page 1, line 5 through line 6.
Strike: "FOR USE" on page 1, line 5 through "; AND" on line 6
Insert: "SOLD BY A WHOLESALE DRUG DISTRIBUTOR; PROVIDING FOR ASSESSMENT AND COLLECTION OF THE TAX BY THE DEPARTMENT OF REVENUE; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT ADMINISTERED BY THE DEPARTMENT OF JUSTICE; PROVIDING FOR THE DISTRIBUTION OF REVENUE FOR MEDICAL EDUCATION, DRUG PREVENTION, AND TEAM-BUILDING PROGRAMS; PROVIDING RULEMAKING AUTHORITY;"
Strike: "SECTION" on line 6
Insert: "SECTIONS"

3. Page 1, line 7.
Strike: "37-7-1511,"
Insert: "37-7-604 AND 37-7-605,"
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

4. Page 1, line 11 through line 26.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 8], the following definitions apply:

(1) "Department" means the department of revenue provided for in 2-15-1301.
(2) "Wholesale drug distribution" has the meaning provided in 37-7-602.
(3) "Wholesale drug distributor" has the meaning provided in 37-7-602."

Insert: "NEW SECTION. **Section 2. Schedule II drug tax -- wholesaler.** A tax of 1/10 of 1% of the wholesale price is imposed on sales of all Schedule II drugs in this state. The tax is imposed on the wholesale drug distributor for wholesale drug distribution sales and is payable to the department."
Insert: "NEW SECTION. **Section 3. Quarterly statement and payment of tax -- recordkeeping.** (1) Each wholesale drug distributor shall, within 30 days after the end of each quarter, file a return on a form provided by the department and pay the tax due under [section 2]. The department may administer collection of the tax through an electronic form, including payment of the tax by an electronic funds transfer.

(2) The tax must be paid in quarterly installments for the quarters ending March 31, June 30, September 30, and December 31 of each year.

(3) Each wholesale drug distributor shall keep a record in the form required by the department of all Schedule II drugs sold in this state. The records are subject to inspection by the department.

(4) The department may grant a reasonable extension of time for filing statements and payment of taxes due upon good cause shown."
Insert: "NEW SECTION. **Section 4. Procedure to estimate tax on failure to file return -- penalty and interest.** (1) If a wholesale drug distributor fails to file a form or fails to pay the tax required by [sections 2 and 3] on or before the date the payment is due, the department shall, immediately after the time has expired, determine the amount of Schedule II drugs sold by the wholesale drug distributor in this state.

(2) The department shall add penalties and interest to the amount of delinquent taxes as provided in 15-1-216.

(3) The department shall mail to the wholesale drug distributor required to file a quarterly statement and pay the tax a letter setting forth the amount of tax, penalty, and interest due. The letter must contain a statement that if payment is not made, a warrant for distraint may be filed.

(4) A penalty imposed by 15-1-216 may be waived by the department pursuant to 15-1-206."

Insert: "NEW SECTION. **Section 5. Warrant for distraint.** If all or part of the tax imposed by [sections 2 and 3] is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7. The resulting lien has precedence over any other claim, lien, or demand filed and recorded after the warrant for distraint is issued."

Insert: "NEW SECTION. **Section 6. Deposit of taxes.** All taxes collected under the provisions of [sections 1 through 8] must, in accordance with the provisions of 17-2-124, be deposited in the drug prevention and medical education account provided for in [section 9]."

Insert: "NEW SECTION. **Section 7. Rulemaking.** The department may adopt rules to administer and enforce the provisions of [sections 1 through 8]."

Insert: "NEW SECTION. **Section 8. Drug prevention and medical education account.** (1) There is a drug prevention and medical education account in the state special revenue fund established in 17-2-102.

(2) All money collected under [sections 1 through 8] must, in accordance with the provisions of 17-2-124, be deposited in the account to the credit of the department of justice to be used as follows:

(a) 30% for the WWAMI regional medical education program; and

(b) 70% for grants by the department of justice to drug prevention and team-building programs.

(3) For the purposes of this section, "drug prevention and team-building programs" means:

(a) drug prevention education to provide information relating to the use of any chemical substance, legal or illegal, that creates behavioral or health problems;

(b) after-school care for children;

(c) group programs that prepare children to make ethical and moral choices over their lifetimes and become responsible citizens; and

(d) group programs that provide children with the opportunity to build courage, confidence, and character while promoting personal growth and leadership development."

Insert: "Section 9. Section 37-7-604, MCA, is amended to read:

"37-7-604. Wholesale drug distributor licensing requirements -- fee -- federal compliance. (1) A person or distribution outlet may not act as a wholesale drug distributor without first obtaining a license from the board and paying the license fee.

(2) A license may not be issued or renewed for a wholesale drug distributor to operate in this state unless the applicant:

(a) agrees to abide by federal and state law and to comply with the rules adopted by the board; ~~and~~

(b) pays the license fee set by the board; and

(c) is in compliance with Schedule II drug tax payments to the department of revenue under [sections 2 and 3].

(3) The board in its discretion may require that a separate license be obtained for:

(a) each facility directly or indirectly owned or operated by the same business entity within the state; or

(b) a parent entity with divisions, subsidiaries, or affiliates within the state if operations are conducted at more than one location and joint ownership and control exists among all entities.

(4) In order to obtain and maintain a wholesale drug distributorship in this state, an applicant shall provide written documentation to the board attesting that the applicant has maintained and will continue to maintain:

(a) adequate storage conditions and facilities;

(b) minimum liability and other insurance that may be required by applicable federal or state law;

(c) a functioning security system that includes:

(i) an after hours central alarm or comparable entry detection system;

(ii) restricted access to the premises;

(iii) comprehensive employee applicant screening; and

(iv) safeguards against employee theft;

(d) a system of records setting forth all activities of wholesale drug distribution as defined in 37-7-602 for at least a period of the 2 previous years. The system of records must be accessible, as defined by board regulations, for inspections authorized by the board.

(e) principals, including officers, directors, primary shareholders, and management executives, who shall at all times demonstrate and maintain their responsibility for conducting the business in conformity with sound financial practices as well as state and federal law;

(f) complete, updated information, to be provided to the board as a condition for obtaining and retaining a license, pertaining to each wholesale drug distributor to be licensed, including but not limited to:

(i) all pertinent corporate license information, if applicable; and

(ii) other information regarding ownership, principals, key personnel, and facilities;

(g) a written protocol of procedures and policies that assures preparation by the wholesale drug distributor for the handling of security or operational problems, including but not limited to those caused by:

(i) natural disaster or government emergency;

(ii) inventory inaccuracies or product shipping and receiving;

(iii) insufficient inspections for all incoming and outgoing product shipments;

(iv) lack of control of outdated or other unauthorized products;

(v) inappropriate disposition of returned goods; and

(vi) failure to promptly comply with product recalls; and

(h) operations in compliance with all federal requirements applicable to wholesale drug distribution.

(5) An agent or employee of a licensed wholesale drug distributor need not be licensed as a wholesale drug distributor.

(6) For purposes of this section, all rules and regulations promulgated by the board must conform to the wholesale drug distributor licensing guidelines formally adopted by the United States food and drug administration. If a conflict arises between a food and drug administration guideline and a rule or regulation of the board, the former controls.""

Insert: "Section 10. Section 37-7-605, MCA, is amended to read:

"37-7-605. Out-of-state wholesale drug distributor licensing requirements. (1) An

out-of-state wholesale drug distributor may not conduct business in this state without first obtaining a license from the board and paying the license fee established by the board.

(2) Application for a license under this section must be made on an approved form.

(3) The issuance of a license may not affect tax liability imposed by the department of revenue on any out-of-state wholesale drug distributor.

(4) A person acting as principal or agent for an out-of-state wholesale drug distributor may not sell or distribute drugs in this state unless the distributor has obtained a license and complies with the Schedule II drug tax payment obligations under [sections 2 and 3]."""

Insert: "NEW SECTION. **Section 11. Codification instruction.** (1) [Sections 1 through 8] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 1 through 8].

(2) [Section 9] is intended to be codified as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [section 9]."

Insert: "NEW SECTION. **Section 12. Applicability.** [This act] applies to Schedule II drug sales by a wholesale drug distributor after December 31, 2017."

And, as amended, do pass.

SB 354, do pass.
SB 359, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 27, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, March 27, 2017, I signed the following bills:

SB 2 - P. Connell
SB 6 - J. Fielder
SB 67 - C. Wolken
SB 107 - D. Kary
SB 137 - D. Ankney
SB 165 - D. Salomon
SB 182 - M. Lang
SB 229 - F. Moore

SB 318 - C. Boland

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/27/2017

HB 224, introduced by T. Jacobson
HB 585, introduced by A. Knudsen

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 224, introduced by T. Jacobson, E. Buttrey, J. Essmann, G. Pierson, referred to Taxation.
HB 585, introduced by A. Knudsen, J. Keane, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 374 - Senator Fitzpatrick moved **HB 374** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 16

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 70 - Senator Sands moved **HB 70** be concurred in. Motion carried as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 39

Nays: Ankney, Blasdel, Brown, Hinebauch, Hinkle, Howard, Lang, Regier, Smith C, Vance, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280 - Senator S. Sales moved **HB 280** be concurred in.

HB 280 - Senator Connell moved **HB 280**, second reading copy, be amended as follows:

1. Title, line 8.
Following: "LEGISLATURE"
Insert: "AND CERTAIN LEGISLATIVE EMPLOYEES"

2. Page 2, line 5.
Following: "officer"
Insert: ", including a currently appointed senate sergeant-at-arms,"

3. Page 2, line 13.
Following: "officers"
Insert: "and a currently appointed senate sergeant-at-arms that are"

4. Page 3, line 18.
Following: "officer"
Insert: ", including a currently appointed senate sergeant-at-arms,"

Amendment adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 306 - Senator Fielder moved **HB 306** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 - Senator K. Regier moved **HB 494** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 240 - Senator Hinebauch moved **HB 240** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 311 - Senator Fielder moved **HB 311** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Welborn, Whitford, Wolken, Mr.President.
Total 34

Nays: Connell, Facey, Gauthier, Hoven, Kary, Keenan, Moore, Olszewski, Pomnichowski, Regier, Smith C, Swandal, Tempel, Vincent, Vuckovich, Webb.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 355 - Senator Buttrey moved **HB 355** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 415 - Senator D. Brown moved **HB 415** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 95 - Senator L. Jones moved **SB 95** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Vance.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 - Senator Salomon moved **SB 317** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, Pomnichowski, Sands, Tempel, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 - Senator D. Brown moved **SB 332** do pass. Motion **failed** as follows:

Yeas: Blasdel, Brown, Buttrey, Connell, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore,

Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 25

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 - Majority Leader Thomas moved **SB 332** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 31

Nays: Blasdel, Brown, Buttrey, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Thomas, Vance, Webb, Welborn.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 - Senator Welborn moved **SB 335** do pass. Motion **failed** as follows:

Yeas: Ankney, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Keenan, MacDonald, McClafferty, McNally, Phillips, Richmond, Salomon, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Wolken.
Total 25

Nays: Barrett, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Lang, Malek, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Sesso, Smith C, Swandal, Vance, Vincent, Webb, Whitford, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 - Majority Leader Thomas moved **SB 335** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barrett, Brown, Cohenour, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 28

Nays: Ankney, Blasdel, Boland, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Gross, Keenan, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 339 - Senator Ankney moved **SB 339** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 - Senator Vincent moved **SB 342** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 289 - Senator Hinkle moved **HB 289** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Facey, Gross, McClafferty, Pomnichowski.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 46

Nays: Cohenour, MacDonald, Smith F, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 236 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 366** be taken from the State Administration Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 70**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 29, 2017, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 2:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 29, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinebauch. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/28/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, and sixtieth legislative days, find the same to be correct.

Correctly printed: **SB 95**, **SB 317**, **SB 339**, **SB 342**, **SB 352**, **SB 354**, **SB 359**, **SB 361**, **SB 368**, **HB 240**, **HB 289**, **HB 306**, **HB 311**, **HB 355**, **HB 374**, **HB 415**, **HB 494**.
Correctly engrossed: **SB 170**, **SB 330**, **SB 348**, **SB 353**, **SB 355**, **SB 362**, **SB 374**, **SB 375**, **HB 94**, **HB 280**, **HB 402**.
Transmitted to the House: **SB 236**.
Signed by the Speaker at 5:00 p.m., March 28, 2017: **SB 8**, **SB 20**, **SB 79**, **SB 81**, **SB 103**, **SB 115**, **SB 121**, **SB 151**.
Delivered to the Governor at 3:55 p.m., March 29, 2017: **SB 8**, **SB 20**, **SB 79**, **SB 81**, **SB 103**, **SB 115**, **SB 121**, **SB 151**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Brown, Chair): 3/27/2017
SB 366, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/28/2017
HB 564, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/29/2017
HB 402, be amended as follows:

1. Title, page 1, line 7.
Strike: "AND"
Following: "DEFINITIONS"
Insert: "; AND REPEALING SECTION 70-6-420, MCA"

2. Page 2, line 29.
Strike: "CONTACT"

Insert: "notify"

3. Page 2, line 30.
Following: "repair."
Insert: "An operator shall disclose to the renter the nature of the inspection or repair."

4. Page 3, line 2.
Following: "renter."
Insert: "An operator who enters a leased space in the event of an emergency shall notify the renter within 48 hours after the incident:

(a) that the operator entered the leased space; and
(b) of the nature of the emergency.
(3) An operator shall maintain a record of instances of entering a leased space for inspection, repair, or emergency."

5. Page 3, line 26.
Following: "PAY RENT"
Insert: "or other charges"

6. Page 4, line 25.
Following: line 24
Insert: "(b) at least 7 days before the sale, notify by mail and electronic mail, if provided by the renter, the date, time, and location of the sale;"
Renumber: subsequent subsections

7. Page 5, line 12 through line 13.
Strike: "hold the balance" on line 12 through "date of the sale" on line 13
Insert: "send a check of the net proceeds to the renter at the renter's last known address or to any other recorded lienholder"

8. Page 5, line 14.
Strike: "After the 1-year period"
Insert: "If the check has not been cashed after 1 year"

9. Page 5, line 20.
Following: "CERTIFIED mail"
Strike: "or by"
Insert: ", standard mail, and"
Following: "electronic mail"
Insert: ", if provided by the renter"

10. Page 5, line 21.
Following: "~~postage prepaid.~~"
Insert: "Notices sent by standard mail are considered delivered when postmarked by the United States postal service, properly addressed with postage paid."

11. Page 6, line 5.
Following: "**rental agreements**"
Insert: "-- compliance with servicemembers civil relief act"
Following: "."
Insert: "(1)"

12. Page 6, line 9.
Following: line 8
Insert: "(2) If the rental agreement is with a service member, the operator shall comply with all terms of the Servicemembers Civil Relief Act, 50 U.S.C. 501, et seq.
Insert: "NEW SECTION. **Section 10. Repealer.** The following section of the Montana Code Annotated is repealed:
70-6-420. Default in payment of storage space rental fees -- notice -- sale of contents."
Renumber: subsequent section

And, as amended, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/28/2017
SB 330, introduced bill, be amended as follows:

1. Page 5, line 4.
Strike: "and"
Insert: ","
Strike: ". If"
Insert: ", and, if"

2. Page 5, line 5.
Strike: "is also required."
Insert: ";"

3. Page 5, line 9.
Strike: "and"

4. Page 5.
Following: line 9
Insert: "(d) a requirement, which must be included in the model contract prepared pursuant to subsection (3)(e), that the record owner before selling the property shall pay to the local government the outstanding debt on the project; and"
Renumber: subsequent subsection

5. Page 7, line 3.
Following: "imposed"
Insert: "from the date of the assessment"
Following: "lien"
Insert: "is for outstanding assessments only,"

Following: "property"
Insert: ","

6. Page 10.
Following: line 19
Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If both House Bill No. 219 and [this act] are passed and approved, then [section 4 of this act] must be amended to read as follows:

"NEW SECTION. **Section 4**. **Program authorized -- contracts.** (1) In accordance with [sections 5 and 6], the governing body of a local government may establish a property-assessed clean energy program and may create a district or districts under the program.

(2) (a) The governing body of a local government may enter into a contract with record owners within a district to finance or refinance one or more energy conservation projects on property included in a district in accordance with [sections 1 through 9].

(b) The contract may provide for the repayment of the cost of an energy conservation project through an assessment in accordance with [section 7] on a property.

(c) Financing or refinancing may include the cost of materials and labor necessary for the installation or modification of energy conservation projects, permit fees, inspection fees, application and administrative fees, bank fees, and all other fees incurred by the record owner for the energy conservation project on a specific or pro rata basis, as determined by the governing body of a local government.

(d) A governing body may not enter into a contract for a project that includes net metering before April 1, 2018."

And, as amended, do pass.

SB 374, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "COSTS;"
Insert: "REQUIRING THE PAYMENT OF THE STANDARD PREVAILING WAGE; ESTABLISHING LINE OWNERSHIP; REQUIRING A JOURNEYMAN LINEMAN OR PROFESSIONAL ENGINEER TO BE PART OF A PROJECT;"

2. Page 1, line 27.
Strike: "subsection"
Insert: "subsections"
Following: "(3)(b)"
Insert: "through (3)(d)"

3. Page 2.
Following: line 2
Insert: "(c) If a contractor is selected, the contract for an extension must require the payment of the standard prevailing wage rate in effect and applicable to the work being performed.

(d) Either the contractor selected in accordance with subsection (3)(a) or the person

selected by the electric utility completing inspections onsite in accordance with subsection (3)(b) must be a journeyman lineman or professional engineer."

4. Page 2.
Following: line 20
Insert: "(7) If a contractor is hired in accordance with this section, when construction is complete the customer:
(a) retains ownership of the extension; and
(b) is responsible for maintaining the extension."

5. Page 2, line 28.
Following: "insured,"
Strike: "and"
Insert: "a member of the national electrical contractors association, and"

And, as amended, do pass.

FINANCE AND CLAIMS (Jones, Chair): 3/29/2017
SB 345, do pass.
SB 346, do pass.
SB 363, do pass.
SB 366, do pass.
SB 376, do pass.

FISH AND GAME (Fielder, Chair): 3/28/2017
HB 97, be concurred in.
HB 324, be concurred in.

JUDICIARY (Regier, Chair): 3/28/2017
HB 94, be amended as follows:

1. Title, page 1, line 15.
Strike: "AND"
Following: "46-23-1005,"
Insert: "AND 46-23-1012,"

2. Page 5, line 22.
Following: "office"
Insert: "as provided in Article III, section 3, of the Montana constitution"

3. Page 14, line 5.
Following: "~~agency the~~"
Insert: "or a designated agency or individual that has received authorization under [section 10],"

4. Page 14, line 6.

Following: "AGENCY"
Insert: "or the designated agency or individual"

5. Page 16, line 21.
Following: line 21
Insert: "Section 16. Section 46-23-1012, MCA, is amended to read:

"46-23-1012. Arrest when violations of probation alleged -- probation compliance plan -- probation violator intervention. (1) At any time during probation, if a probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests reasonably believes that the probationer has violated a condition of probation, a court may issue a warrant for the arrest of the probationer or a county attorney may issue a notice to appear to answer to a charge of probation violation. The notice must be personally served upon the probationer. The warrant must authorize law enforcement officers to return the probationer to any suitable detention center.

(2) Any probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests may arrest the probationer without a warrant or may orally deputize any other officer with power of arrest to do so by giving the officer oral authorization and within 12 hours delivering to the detention center a written statement setting forth that the probationer has, in the judgment of the probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests, violated the conditions of probation. A written statement or oral authorization delivered with the probationer by the arresting officer to the official in charge of a detention center is sufficient warrant for the detention of the probationer if the probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests delivers the written statement within 12 hours of the probationer's arrest. The probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests, after making an arrest, shall present to the detaining authorities a similar statement of the circumstances of violation.

(3) A probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests may authorize a detention center to hold a probationer arrested under this section without bail for 72 hours. Within 72 hours following the probationer's detention, the probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests shall:

(a) authorize the detention center to release the probationer;

(b) hold an intervention hearing pursuant to 46-23-1015; or

(c) arrange for the probationer to appear before a magistrate to set bail. In setting bail, the provisions of chapter 9 of this title regarding release on bail of persons charged with a crime apply.

(4) If the probationer is detained and bond is set, the probation and parole officer,

misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests shall file a report of violation within 10 days of the arrest of the probationer.

(5) After the probation and parole officer, misdemeanor probation officer described in 46-23-1005(2), or an employee of a nongovernmental agency described in 46-23-1005(3) that has received authorization from its local government to make arrests files a report of violation, the court may proceed with revocation of probation in the manner provided in 46-18-203.""

Renumber: subsequent section

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/29/2017

SB 375, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Strike: "1-5-615,"

2. Page 1, line 16 through page 2, line 8.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 3, line 17.
Following: line 17
Insert: "(9) an index of declarations of marriage, including the full names of the parties, the date the declaration was entered, where the declaration was signed, and, if the marriage was solemnized, who performed the solemnization;"
Renumber: subsequent subsections

4. Page 9, line 29.
Strike: "."
Insert: "; and"
Following: line 29
Insert: "(f) whether either of the parties desires a change in name and, if so, the full name by which that party is to be known."

5. Page 10, line 4.
Strike: "one"
Insert: "a"

6. Page 10, line 5.
Strike: "their"
Insert: "the party's"

And, as amended, do pass.

HB 482, be concurred in.
HB 537, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/28/2017
SR 4, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/28/2017

SB 135, introduced by E. McClafferty
SB 224, introduced by S. Malek
SB 231, introduced by R. Webb
SB 252, introduced by M. Blasdel
SB 275, introduced by E. Buttrey

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
3/28/2017

SB 163, introduced by K. Regier
SB 176, introduced by R. Webb

House bills passed and transmitted to the Senate for concurrence: 3/28/2017

HB 365, introduced by R. Shaw
HB 489, introduced by M. Noland
HB 558, introduced by G. Hertz
HB 586, introduced by D. Lenz

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 22, introduced by E. McClafferty, J. Cohenour, T. Facey, S. Malek, J. Sesso, J. Welborn, L. Whitford, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 365, introduced by R. Shaw, D. Ankney, B. Brown, S. Fitzpatrick, B. Grubbs, L. Jones, D. Loge, W. McKamey, W. Sales, F. Thomas, J. Welborn, referred to Energy and Telecommunications.
HB 489, introduced by M. Noland, Skees, referred to Natural Resources.

HB 558, introduced by G. Hertz, referred to Taxation.
HB 586, introduced by D. Lenz, V. Ricci, referred to Finance and Claims.

MOTIONS

Majority Leader Thomas moved that **HB 219** be removed from today's second reading agenda and placed on second reading April 6, 2017, the seventy-second legislative day. Without objection so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 444 - Senator Salomon moved **HB 444** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Swandal excused at this time.

SJ 20 - Senator Small moved **SJ 20** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel,

Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Webb.
Total 1

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SR 32 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 32**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SR 33 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 33.** Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SR 52 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 52.** Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Senator Swandal present at this time.

SR 53 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 53**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367 - Senator Moore moved **SB 367** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 38

Nays: Brown, Fielder, Hinebauch, Howard, Keenan, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 313 - Senator Sesso moved **SB 313** do pass. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Ankney, Fielder, Howard, Olszewski, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 337 - Senator Ankney moved **SB 337** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333 - Senator Caferro moved **SB 333** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.
Total 34

Nays: Blasdel, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Smith C, Vance, Webb, Welborn, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Hinkle, Kary, Olszewski.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 95 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 40

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, Phillips, Pomnichowski, Sands, Smith F.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 339 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 108 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 240 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 289 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Gross, MacDonald, McClafferty, Pomnichowski.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 306 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 311 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Fitzpatrick, Gross, Hinebauch, Hinkle, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Nays: Blasdel, Brown, Connell, Facey, Fielder, Gauthier, Hoven, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Smith C, Swandal, Tempel, Vincent, Webb, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 355 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 374 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 36

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 415 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved to **suspend joint rule 40-150** (which requires a bill, that was not amended by the Committee of the Whole, to be sent to printing and placed on third reading the legislative day after receipt from printing) through the sixty-seventh legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Fitzpatrick moved the Senate reconsider its action on **SB 335**, indefinitely postponed the previous legislative day, and that **SB 335** be placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Kary, MacDonald, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Barrett, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Fitzpatrick moved that **SB 356** be taken from the Business, Labor, and Economic Affairs Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Jones, Moore, Richmond, Salomon, Sesso, Small, Vincent, Welborn, Whitford.
Total 16

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Sands, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Wolken, Mr.President.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Webb moved that **SB 255** be taken from the Taxation Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Blasdel, Caferro, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Olszewski, Regier, Richmond, Smith C, Swandal, Thomas, Vincent, Webb.
Total 16

Nays: Ankney, Barrett, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Lang, MacDonald, Malek, McClafferty, McNally,

Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 3/29/2017
HB 2, be amended as follows:

1. Title, page 1, line 5.
Following: "BIENNIUM"
[Insert: "ENDING JUNE 30, 2017, AND FOR THE BIENNIUM"

2. Page BP-1, line 21.
Following: "each"
Insert: "executive branch"

3. Page BP-1, line 23.
Following: "each"
Insert: "executive branch"

4. Page BP-2, line 10.
Strike: "**date**"
Insert: "**dates**"
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

5. Page BP-2.
Following: line 10
Insert: "(2) [Section 10] is effective on passage and approval. "NEW SECTION. **Section 10. Appropriation.** For the biennium ending June 30, 2017, there is appropriated $2 million from the general fund to the office of state public defender."
Renumber: subsequent sections

6. Page A-1, line 5:Legislative Branch.
Strike: "8,264,424 8,101,325" [General Fund FY 18 FY 19]
Insert: "8,381,891 8,204,219" [General Fund FY 18 FY 19]
Strike: "439,128 372,566" [State Special Fund FY 18 FY 19]
Insert: "439,208 372,562" [State Special Fund FY 18 FY 19]

7. Page A-1, line 7: Legislative Branch.
Strike: "655,724 494,539" [General Fund FY18 FY19]
Insert: "745,653 584,468" [General Fund FY18 FY19]

8. Page A-1: Legislative Branch.
Strike: line 10 through 11
Strike: line 17 through 18

9. Page A-1:Legislative Branch.
Following: line 18
Insert: "It is the intent of the legislature that the legislative finance committee include a study of enterprise, data storage, and network services as part of its 2019 biennium interim work. In addition, as part of the study, the legislative finance committee shall include a customer satisfaction survey to assess agency needs and challenges that may need to be addressed by the state information technology services division of the department of administration. "

10. Page A-1, line 22: Consumer Counsel.
Strike: "1,480,811 1,483,689" [State Special Fund FY 18 FY 19]
Insert: "1,481,008 1,483,793" [State Special Fund FY 18 FY 19]

11. Page A-2, line 7:Governor's Office.
Strike: "2,557,144 2,555,332" [General Fund FY 18 FY 19]
Insert: "2,778,958 2,779,692" [General Fund FY 18 FY 19]

12. Page A-2, line 11:Governor's Office.
Strike: "152,052 152,871" [General Fund FY 18 FY 19]
Insert: "167,224 168,227" [General Fund FY 18 FY 19]

13. Page A-2, line 13:Governor's Office.
Strike: "292,952 296,448" [General Fund FY 18 FY 19]
Insert: "313,434 316,999" [General Fund FY 18 FY 19]

14. Page A-2, line 15:Governor's Office.
Strike: "2,099,063 2,106,317" [General Fund FY 18 FY 19]
Insert: "2,267,449 2,276,228" [General Fund FY 18 FY 19]

15. Page A-2, line 19:Governor's Office.
Strike: "170,272 169,944" [General Fund FY 18 FY 19]
Insert: "190,561 190,482" [General Fund FY 18 FY 19]

16. Page A-2, line 21:Governor's Office.
Strike: "264,983 264,994" [General Fund FY 18 FY 19]
Insert: "334,909 335,085" [General Fund FY 18 FY 19]

17. Page A-2, line 23:Governor's Office.
Strike: "442,899 443,551" [General Fund FY 18 FY 19]
Insert: "478,327 479,335" [General Fund FY 18 FY 19]

18. Page A-3, line 3:Commissioner of Political Practices.
Strike: "668,997 670,116" [General Fund FY 18 FY 19]
Insert: "669,930 670,879" [General Fund FY 18 FY 19]

19. Page A-3: Commissioner of Political Practices.
Following: line 5
Insert: "b. Legal Services (Restricted/OTO)"
Insert: "89,555 89,621" [General Fund FY18 FY19]
Following: line 8
Insert: "If the governor appoints and the majority of the senate confirms a commissioner of political practices who is an attorney licensed to practice law in Montana, the appropriation for Legal Services is void."

20. Page A-3, line 12:State Auditor's Office.
Strike: "2,140,709 2,144,599" [State Special Fund FY 18 FY 19]
Insert: "2,141,578 2,145,309" [State Special Fund FY 18 FY 19]

21. Page A-4, line 2:Department of Revenue.
Strike: "13,549,937 13,762,432" [General Fund FY 18 FY 19]
Insert: "13,555,277 13,766,795" [General Fund FY 18 FY 19]

22. Page A-4, line 6:Department of Revenue.
Strike: "2,787,153 2,794,678" [Proprietary FY 18 FY 19]
Insert: "2,788,254 2,795,578" [Proprietary FY 18 FY 19]

23. Page A-4, line 6: Department of Revenue.
Following: line 6
Insert: "a. Termination Payouts (Restricted/OTO)
60,000 60,000" [Proprietary FY18 & FY19]
Insert: "b. Overtime (Restricted/OTO)
65,000 65,000" [Proprietary FY18 & FY19]

24. Page A-4, line 8:Department of Revenue.
Strike: "8,461,313 8,477,661" [General Fund FY 18 FY 19]
Insert: "8,463,609 8,479,537" [General Fund FY 18 FY 19]

25. Page A-4, line 10:Department of Revenue.
Strike: "10,148,202 10,206,560" [General Fund FY 18 FY 19]
Insert: "10,151,574 10,209,315" [General Fund FY 18 FY 19]

26. Page A-4, line 12:Department of Revenue.

Strike: "20,584,595 20,644,879" [General Fund FY 18 FY 19]
Insert: "20,586,989 20,646,835" [General Fund FY 18 FY 19]

27. Page A-4, line 22:Department of Administration.
Strike: "410,371 411,713" [General Fund FY 18 FY 19]
Insert: "410,384 411,723" [General Fund FY 18 FY 19]

28. Page A-4, line 26:Department of Administration.
Strike: "2,533,497 2,542,621" [General Fund FY 18 FY 19]
Insert: "2,553,651 2,562,744" [General Fund FY 18 FY 19]

Strike: "187,637 187,897" [State Special Fund FY 18 FY 19]
Insert: "190,845 191,107" [State Special Fund Fy 18 FY 19]

29. Page A-5:Department of Administration.
Following: line 1
Insert: "b. Supplemental State Contribution (Restricted/OTO)"
Insert: "1,649,000 1,657,000" [General Fund FY 18 FY 19]

30. Page A-5, line 3:Department of Administration.
Strike: "2,059,628 2,069,386" [State Special Fund FY 18 FY 19]
Insert: "2,159,628 2,169,386" [State Special Fund FY 18 FY 19]

31. Page A-5, line 7:Department of Administration.
Strike: "430,317 431,654" [General Fund FY 18 FY 19]
Insert: "430,304 431,644" [General Fund FY 18 FY 19]

Strike: "274,037" [State Special Fund FY 19]
Insert: "274,155" [State Special Fund FY 19]

32. Page A-5, line 8:Department of Administration.
Strike: "273,563" [State Special Fund FY 18]
Insert: "273,710" [State Special Fund FY 18]

33. Page A-5, line 13:Department of Administration.
Strike: "1,063,749 102,028" [Federal Special Fund FY 18 FY 19]
Insert: "1,063,950 102,190" [Federal Special Fund FY 18 FY 19]

34. Page A-5, line 15:Department of Administration.
Strike: "3,973,552 3,984,134" [State Special Fund FY 18 FY 19]
Insert: "3,973,678 3,984,236" [State Special Fund FY 18 FY 19]

35. Page A-5, line 19:Department of Administration.
Strike: "5,026,791 5,035,456" [Proprietary FY 18 FY 19]
Insert: "5,026,915 5,035,556" [Proprietary FY 18 FY 19]

36. Page A-5, line 23:Department of Administration.
Strike: "1,618,450 1,626,998" [General Fund FY 18 FY 19]
Insert: "1,618,528 1,627,061" [General Fund FY 18 FY 19]

37. Page A-5, line 25:Department of Administration.
Strike: "616,193 616,151" [General Fund FY 18 FY 19]
Insert: "616,241 616,190" [General Fund FY 18 FY 19]

38. Page A-6:Department of Administration.
Following: line 1
Insert: "Supplemental State Contribution is contingent on passage and approval of House Bill No. 209."

39. Page A-6, line 4: Department of Administration.
Following: "operating expenses of"
Strike: "$29,650,069"
Insert: "$29,896,872"
Strike: "$29,509,427"
Insert: "$29,756,014"

40. Page A-6: Department of Administration.
Following: line 8
Insert: "It is the intent of the legislature to consider the 2021 biennium budget for the banking and financial institutions division in the department of administration from zero to the full recommended budget. The banking and financial institutions division shall explain the necessity of personal services, operating expenses, and state special revenues supporting the expenditures, including the base budget for the budget submission for the 2021 biennium budget."

41. Page A-6, line 12:Department of Commerce.
Strike: "1,958,944 1,962,107" [General Fund FY 18 FY 19]
Insert: "1,958,970 1,962,201" [General Fund FY 18 FY 19]
Strike: "1,894,308 1,891,819" [State Special Fund FY 18 FY 19]
Insert: "1,895,260 1,892,503" [State Special Fund FY 18 FY 19]
Strike: "798,560 798,501" [Federal Special Fund FY 18 FY 19]
Insert: "798,603 798,555" [Federal Special Fund FY 18 FY 19]

42. Page A-7, line 5:Department of Commerce.
Strike: "829,633 830,102" [General Fund FY 18 FY 19]
Insert: "829,653 830,119" [General Fund FY 18 FY 19]

Strike: "1,317,822 1,323,064" [State Special Fund FY 18 FY 19]
Insert: "1,317,993 1,323,204" [State Special Fund FY 18 FY 19]

Strike: "16,441,475 16,443,022"[Federal Special Fund FY 18 FY 19]

Insert: "16,441,631 16,443,150"[Federal Special Fund FY 18 FY 19]

43. Page A-7: Department of Commerce.
Following: line 9
Insert: "c. Coal Board HB 209"
Insert: "1,649,000 1,657,000" [State Special Fund FY 18 FY 19]
Renumber: subsequent sections
Following: line 20
Insert: "Coal Board HB 209 is contingent on passage and approval of House Bill No. 209."

44. Page A-7, line 24:Department of Labor and Industry.
Strike: "10,967,096 10,968,998"[State Special Fund FY 18 FY 19]
Insert: "12,069,834 12,072,865"[State Special Fund FY 18 FY 19]

Strike: "17,345,026 17,401,507"[Federal Special Fund FY 18 FY 19]
Insert: "17,367,340 17,419,248"[Federal Special Fund FY 18 FY 19]

45. Page A-7, line 26:Department of Labor and Industry.
Strike: "5,066,222 5,092,751" [State Special Fund FY 18 FY 19]
Insert: "5,066,301 5,092,816" [State Special Fund FY 18 FY 19]

Strike: "10,529,430 10,549,002"[Federal Special Fund FY 18 FY 19]
Insert: "10,529,488 10,549,049"[Federal Special Fund FY 18 FY 19]

46. Page A-8, line 3: Department of Labor & Industry.
Strike: "1,357,887 1,359,955" [General Fund FY 18 FY 19]
Insert: "1,360,379 1,362,447" [General Fund FY 18 FY 19]
Strike: "11,259,442 11,282,280" [State Special Fund FY 18 FY 19]
Insert: "11,706,183 11,729,021" [State Special Fund FY 18 FY 19]

47. Page A-8, line 5:Department of Labor and Industry.
Strike: "16,989,766 17,036,831"[State Special Fund FY 18 FY 19]
Insert: "16,991,348 17,038,124"[State Special Fund FY 18 FY 19]

48. Page A-8, line 7:Department of Labor and Industry.
Strike: "147,353 148,283" [General Fund FY 18 FY 19]
Insert: "147,345 148,200" [General Fund FY 18 FY 19]

Strike: "3,688,521 3,690,879" [Federal Special Fund FY 18 FY 19]
Insert: "3,688,683 3,691,087" [Federal Special Fund FY 18 FY 19]

49. Page A-8, line 16:Department of Military Affairs.
Strike: "742,485 745,120" [General Fund F 18 FY 19]
Insert: "742,497 745,130" [General Fund FY 18 FY 19]

50. Page A-8, line 20:Department of Military Affairs.
Strike: "1,048,584 1,050,817" [General Fund FY 18 FY 19]
Insert: "1,118,729 1,121,002" [General Fund FY 18 FY 19]

Strike: "3,105,607 3,112,300" [Federal Special Fund FY 18 FY 19]
Insert: "3,316,041 3,322,855" [Federal Special Fund FY 18 FY 19]

51. Page A-8, line 26:Department of Military Affairs.
Strike: "338,917 339,883" [Federal Special Fund FY 18 FY 19]
Insert: "342,378 343,363" [Federal Special Fund FY 18 FY 19]

52. Page A-9, line 3:Department of Military Affairs.
Strike: "1,596,017 1,620,582" [General Fund FY 18 FY 19]
Insert: "1,684,619 1,709,281" [General Fund FY 18 FY 19]
Strike: "399 399" [State Special Fund FY 18 FY 19]
Insert: "420 420" [State Special Fund FY 18 FY 19]
Strike: "16,753,172 16,799,388"[Federal Special Fund FY 18 FY 19]
Insert: "16,979,526 17,025,816"[Federal Special Fund FY 18 FY 19]

53. Page A-9, line 7:Department of Military Affairs.
Strike: "402,115 404,984" [General Fund FY 18 FY 19]
Insert: "424,466 427,292" [General Fund FY 18 FY 19]
Strike: "4,603,816 4,623,970" [Federal Special Fund FY 18 FY 19]
Insert: "4,875,997 4,896,288" [Federal Special Fund FY 18 FY 19]

54. Page A-9, line 11:Department of Military Affairs.
Strike: "1,164,858 1,167,726" [General Fund FY 18 FY 19]
Insert: "1,164,880 1,167,737" [General Fund FY 18 FY 19]

Strike: "15,838,306 15,841,621"[Federal Special Fund FY 18 FY 19]
Insert: "15,838,344 15,841,659"[Federal Special Fund FY 18 FY 19]

55. Page A-9, line 15:Department of Military Affairs.
Strike: "1,182,702 1,184,608" [General Fund FY 18 FY 19]
Insert: "1,182,718 1,184,621" [General Fund FY 18 FY 19]

Strike: "707,348 709,532" [State Special Fund FY 18 FY 19]
Insert: "707,356 709,539" [State Special Fund FY 18 FY 19]

56. Page A-9: Department of Military Affairs.
Following: line 24
Insert: "If HB 641 fails to be passed and approved, general funds of $50,011 in FY 2018 and $50,043 in FY 2019 from the Veterans' Affairs Program will be allocated to personal services for 1.00 FTE for a veterans service officer in the veterans affairs division."

57. Page B-1, line 4: Department of Public Health and Human Services.
Strike: "5,652,353 5,657,429" [General Fund FY 18 FY 19]
Insert: "5,997,464 6,002,648" [General Fund FY 18 FY 19]
Strike: "943,069 943,655" [State Special Fund FY 18 FY 19]
Insert: "949,009 949,603" [State Special Fund FY 18 FY 19]
Strike: "21,885,499 21,912,587" [Federal Special Fund FY 18 FY 19]
Insert: "22,642,795 22,670,467" [Federal Special Fund FY 18 FY19]

58. Page B-1, line 6: Department of Public Health and Human Services.
Strike: "32,862,740 32,829,374" [General Fund FY 18 FY 19]
Insert: "33,087,934 33,049,762" [General Fund FY 18 FY19]

Strike: "2,556,247 2,552,187"[State Special Fund FY 18 FY 19]
Insert: "2,579,034 2,575,440"[State Special Fund FY 18 FY 19]
Strike: "290,910,781 290,947,237" [Federal Special Fund FY 18 FY 19]
Insert: "291,270,947 291,313,435" [Federal Special Fund FY 18 FY 19]

59. Page B-1, line 8: Department of Public Health and Human Services.
Strike: "41,937,075 41,979,647"[General Fund FY 18 FY 19]
Insert: "42,316,476 42,359,893"[General Fund FY 18 FY 19]
Strike: "30,757,923 30,779,741"[Federal Special Fund FY 18 FY 19]
Insert: "30,992,388 31,014,594"[Federal Special Fund FY 18 FY 19]

60. Page B-1, line 14: Department of Public Health and Human Services.
Strike: "2,496,560 2,501,709"[General Fund FY 18 FY 19]
Insert: "2,785,092 2,790,333"[General Fund FY 18 FY 19]

Strike: "666,373 667,430" [State Special Fund FY 18 FY 19]
Insert: "673,983 675,061" [State Special Fund FY 18 FY 19]
Strike: "3,387,714 3,394,066"[Federal Special Fund FY 18 FY 19]
Insert: "3,434,501 3,440,968"[Federal Special Fund FY 18 FY 19]

61. Page B-1, lines 15 through 16: Department of Public Health and Human Services.
Strike: lines 15 through 16

62. Page B-1, line 18: Department of Public Health and Human Services.
Strike: "3,515,585 3,527,549" [General Fund FY 18 FY 19]
Insert: "3,592,639 3,604,866" [General Fund FY 18 FY 19]
Strike: "8,464,273 8,487,581" [Federal Special Fund FY 18 FY 19]
Insert: "8,613,849 8,637,659" [Federal Special Fund FY 18 FY 19]

63. Page B-1, line 20: Department of Public Health and Human Services.
Strike: "3,837,381 3,829,826" [General Fund FY 18 FY 19]

Insert: "3,869,631 3,862,177" [General Fund FY 18 FY 19]
Strike: "503,317 494,469" [State Special Fund FY 18 FY 19]
Insert: "507,521 498,686" [State Special Fund FY 18 FY 19]

Strike: "5,609,813 5,566,725" [Federal Special Fund FY 18 FY 19]
Insert: "5,656,794 5,613,853" [Federal Special Fund FY 18 FY 19]

64. Page B-1, line 24: Department of Public Health and Human Services.
Strike: "3,881,394 3,883,540" [General Fund FY 18 FY 19]
Insert: "3,898,715 3,900,566" [General Fund FY 18 FY 19]
Strike: "16,788,845 16,807,274"[State Special Fund FY 18 FY 19]
Insert: "16,871,816 16,889,837"[State Special Fund FY 18 FY19]
Strike: "41,997,949 42,033,971"[Federal Special Fund FY 18 FY 19]
Insert: "42,182,526 42,220,198"[Federal Special Fund FY 18 FY 19]

65. Page B-1, line 26: Department of Public Health and Human Services.
Strike: "2,454,172 2,460,418" [General Fund FY 18 FY 19]
Insert: "2,496,859 2,503,228" [General Fund FY 18 FY 19]
Strike: "384,000 384,602" [State Special Fund FY 18 FY 19]
Insert: "388,706 389,319" [State Special Fund FY 18 FY 19]
Strike: "6,390,598 6,407,650" [Federal Special Fund FY 18 FY 19]
Insert: "6,494,655 6,512,047" [Federal Special Fund FY 18 FY 19]

66. Page B-2, line 1:Department of Public Health and Human Services.
Strike: "12,403,470 12,364,852" [General Fund FY 18 FY 19]
Insert: "12,481,891 12,461,573" [General Fund FY 18 FY 19]
Strike: "1,482,473 1,477,859" [State Special Fund FY 18 FY 19]
Insert: "1,492,596 1,490,221" [State Special Fund FY 18 FY 19]
Strike: "15,317,782 15,270,177"[Federal Special Fund FY 18 FY 19]
Insert: "18,450,884 17,574,829"[Federal Special Fund FY 18 FY 19]

67. Page B-2, line 3: Department of Public Health and Human Services.
Strike: "88,973,698 92,055,352" [General Fund FY 18 FY 19]
Insert: "76,614,646 79,662,794" [General Fund FY 18 FY 19]
Strike: "204,854,424 207,838,353" [Federal Special Fund FY 18 FY 19]
Insert: "204,938,536 207,922,711" [Federal Special Fund FY 18 FY 19]

68. Page B-2: Department of Public Health and Human Services.
Following: line 5
Insert: "b. Montana Developmental Center (Restricted)"
Insert: "12,652,089 12,686,322" [General Fund FY 18 FY 19]

69. Page B-2, line 7: Department of Public Health and Human Services.
Strike: "162,282,714 170,295,790" [General Fund FY 18 FY 19]

Insert: "159,687,397 167,700,582" [General Fund FY 18FY 19]

Strike: "593,594,860 640,706,985" [Federal Special Fund FY 18 FY 19]
Insert: "592,961,755 640,074,041" [Federal Special Fund FY 18 FY 19]
Strike: "72,067,436 71,721,418" [State Special Fund FY 18 FY 19]
Insert: "72,070,824 71,724,801 " [State Special Fund FY 18 FY 19]

70. Page B-2, line 8: Department of Public Health and Human Services.
Following: line 7
Insert: "a. Medicaid Caseload Contingency (Restricted)"
Insert: "5,300,000 3,300,000" [General Fund FY 18 FY 19]

71. Page B-2, line 9: Department of Public Health and Human Services.
Strike: "2,327,323 2,327,872" [General Fund FY 18 FY 19]
Insert: "2,331,977 2,332,538" [General Fund FY 18 FY 19]
Strike: "147,941 148,052" [State Special Fund FY 18 FY 19]
Insert: "148,899 149,012" [State Special Fund FY 18 FY 19]
Strike: "16,329,324 16,329,917" [Federal Special Fund FY 18 FY 19]
Insert: "16,334,318 16,334,921" [Federal Special Fund FY 18 FY 19]

72. Page B-2, line 11: Department of Public Health and Human Services.
Strike: "840,519 842,559" [General Fund FY 18 FY 19]
Insert: "857,409 859,492" [General Fund FY 18 FY 19]
Strike: "58,889 59,026" [State Special Fund FY 18 FY 19]
Insert: "60,028 60,170" [State Special Fund FY 18 FY 19]
Strike: "1,234,104 1,237,068" [Federal Special Fund FY 18 FY 19]
Insert: "1,258,619 1,261,644" [Federal Special Fund FY 18 FY 19]

73. Page B-2, line 13: Department of Public Health and Human Services.
Strike: "67,156,243 69,022,382" [General Fund FY 18 FY 19]
Insert: "74,698,602 76,564,947" [General Fund FY 18 FY 19]
Strike: "32,125,015 32,166,767"[State Special Fund FY 18 FY 19]
Insert: "32,183,387 32,225,325"[State Special Fund FY 18 FY 19]
Strike: "195,258,285 198,900,216" [Federal Special Fund FY 18 FY 19]
Insert: "195,288,199 198,930,210" [Federal Special Fund FY 18 FY 19]

74. Page B-2, line 15: Department of Public Health and Human Services.
Strike: "75,543,079 76,249,879"[General Fund FY 18 FY 19]
Insert: "75,949,820 76,657,701"[General Fund FY 18 FY 19]

Strike: "19,053,073 19,040,480"[State Special Fund FY 18 FY 19]
Insert: "19,608,208 19,595,736"[State Special Fund FY 18 FY 19]
Strike: "52,737,508 54,572,904"[Federal Special Fund FY 18 FY 19]

Insert: "52,753,557 54,589,016"[Federal Special Fund FY 18 FY 19]

75. Page B-2: Department of Public Health and Human Services.
Strike: lines 25 and 26
Insert: "The Montana Developmental Center restricted line item appropriation is restricted to expenditures for the Montana Developmental Center or according to the requirements in HB 639."

76. Page B-3: Department of Public Health and Human Services.
Following: line 3
Insert: "Medicaid Caseload Contingency is contingent upon the passage of HB 639 containing restrictions related to Medicaid expenditures and caseloads."

77. Page C-1: Department of Fish, Wildlife & Parks.
Strike: line 8
Insert: "2,965,783 2,782,758" [State Special Fund FY 18 & FY 19]
Insert: "2,965,783 2,782,758" [Federal Special Fund FY 18 & FY 19]

78. Page C-1: Department of Fish, Wildlife & Parks.
Strike: line 12
Insert: "9,264,140 9,298,188" [State Special Fund FY 18 & FY 19]
Insert: "2,420,543 2,428,196" [Federal Special Fund FY 18 & FY 19]

79. Page C-1, line 14: Department of Fish, Wildlife & Parks.
Strike: "14,409,871 14,431,755" [State Special Fund FY 18 & FY 19]
Insert: "14,533,959 14,555,843" [State Special Fund FY 18 & FY 19]

80. Page C-1, line 22: Department of Fish, Wildlife & Parks.
Strike: "157,687 158,440" [Federal Special Fund FY 18 & FY 19]
Insert: "183,931 184,684" [Federal Special Fund FY 18 & FY 19]

81. Page C-2, line 1:Department of Fish, Wildlife, and Parks.
Strike: "13,128,266 13,168,813"[State Special Fund FY 18 FY 19]
Insert: "13,291,128 13,330,532"[State Special Fund FY 18 FY 19]

82. Page C-2, line 5: Department of Fish, Wildlife & Parks.
Strike: "7,810,755 7,839,594" [State Special Fund FY18 & FY 19]
Strike: "214,020 216,894" [Federal Special Fund FY18 & FY 19]
Insert: "7,777,553 7,806,392" [State Special Fund FY18 & FY 19]
Insert: "270,276 273,150" [Federal Special Fund FY18 & FY 19]

83. Page C-2: Department of Fish, Wildlife & Parks.
Following: line 8
Insert: "If federal funds are received by the department for Aquatic Invasive Species Response in excess of the federal special revenue in the Aquatic Invasive Species Response

appropriation, the state special revenue appropriation for Aquatic Invasive Species Response must be reduced and federal special revenue increased by the amount of federal funds received."

84. Page C-2, line 15: Department of Fish, Wildlife & Parks.
Strike: "$2"
Insert: "$1"

85. Page C-2: Department of Fish, Wildlife & Parks.
Strike: line 17 through line 21

86. Page C-3: Department of Environmental Quality.
Following: line 7
Insert: "a. Natural Resource Damage Program 1,000,000 1,000,000" [State Special Fund FY18 & FY19]

87. Page C-3: Department of Environmental Quality.
Following: line 11
Insert: "b. Mitigated Retirement of Coal-Fired Generating Units (Restricted/OTO) 90,000" [General Fund FY18]
Following: line 23
Insert: "Mitigated Retirement of Coal-Fired Generating Units is contingent on passage and approval of Senate Bill No. 338.

If a company, the governor, and the attorney general enter into a transition agreement as specified in Senate Bill No. 338, the Mitigated Retirement of Coal-Fired Generating Units appropriation is void.

If the department receives local, private, or federal funds for the Mitigated Retirement of Coal-Fired Generating Units, general fund appropriations must be reduced by the amount of the funds received. In the case of local or private funds, the department may increase state special revenue authority by the amount received.

During the 2019 biennium, the department is appropriated $2.2 million of state special authority if revenue is available."

88. Page C-3, line 27: Department of Transportation.
Strike: "25,126,052 25,176,111" [State Special Fund FY 18 FY 19]
Insert: "30,294,830 30,337,709" [State Special Fund FY 18 FY 19]
Strike: "1,470,947 1,473,893" [Federal Special Fund FY 18 FY 19]
Insert: "1,525,468 1,528,454" [Federal Special Fund FY 18 FY 19]

89. Page C-4, line 4: Department of Transportation.
Strike: "52,606,740 60,287,671" [State Special Fund FY 18 FY 19]
Insert: "52,953,429 60,632,584" [State Special Fund FY 18 FY 19]

Strike: "262,836,408 313,765,529" [Federal Special Fund FY 18 FY 19]
Insert: "263,402,057 314,333,176" [Federal Special Fund FY 18 FY 19]

90. Page C-4, line 8: Department of Transportation.
Strike: "124,779,850 125,690,382" [State Special Fund FY 18 FY 19]
Insert: "125,470,807 126,383,566" [State Special Fund FY 18 FY 19]
Strike: "8,091,302 8,138,148" [Federal Special Fund FY 18 FY 19]
Insert: "8,091,722 8,138,568" [Federal Special Fund FY 18 FY 19]

91. Page C-4, line 12: Department of Transportation.
Strike: "8,881,220 8,907,014" [State Special Fund FY 18 FY 19]
Insert: "9,113,631 9,139,808" [State Special Fund FY 18 FY 19]
Strike: "2,789,928 2,798,162" [Federal Special Fund FY 18 FY 19]
Insert: "2,859,410 2,867,757" [Federal Special Fund FY 18 FY 19]

92. Page C-4, line 14: Department of Transportation.
Strike: "1,841,381 1,807,843" [State Special Fund FY 18 FY 19]
Insert: "1,851,815 1,818,302" [State Special Fund FY 18 FY 19]

93. Page C-4, line 16: Department of Transportation.
Strike: "12,487,068 8,004,755" [State Special Fund FY 18 FY 19]
Insert: "10,282,489 8,299,684" [State Special Fund FY 18 FY 19]
Strike: "25,275,052 25,291,087" [Federal Special Fund FY 18 FY 19]
Insert: "25,634,524 25,597,824" [Federal Special Fund FY 18 FY 19]

94. Page C-4, line 20 through line 21: Department of Transportation.
Strike: line 20 through line 21 in their entirety

95. Page C-4, line 22: Department of Transportation.
Strike: "$4.5" in both places
Insert: "$2" in both places
Following: "million for"
Insert: "a"
Following: "county"
Strike: "grants"
Insert: "grant"

96. Page C-4, line 23: Department of Transportation.
Following: "is"
Strike: "one-time only and"

97. Page C-5, line 2 through line 4: Department of Transportation.
Strike: line 2 through line 4 in their entirety

98. Page C-5, line 11: Department of Livestock.
Strike: "1,730,619 1,734,317" [State Special Fund FY18 & FY19]
Insert: "1,747,607 1,751,124" [State Special Fund FY18 & FY19]

99. Page C-5: Department of Livestock.
Strike: line 27

100. Page C-6: Department of Natural Resources & Conservation.
Strike: line 3
Insert: "3,590,785 3,614,428" [General Fund FY 18 & FY 19]
Insert: "2,024,321 2,036,152" [State Special Fund FY 18 & FY 19]
Insert: "299,772 301,521" [Federal Special Fund FY 18 & FY 19]

101. Page C-6, line 9: Department of Natural Resources & Conservation.
Strike: "8,258,899 8,325,472" [State Special Fund FY18 & FY 19]
Insert: "8,353,304 8,390,365" [State Special Fund FY18 & FY 19]
102. Page C-6: Department of Natural Resources & Conservation.
Strike: line 16 through line 17
Renumber: subsequent subsections

103. Page C-6, line 19: Department of Natural Resources & Conservation.
Strike: "100,000" [State Special Fund FY19]

104. Page C-6: Department of Natural Resources & Conservation.
Strike: line 21 through line 22
Insert: "9,315,941 9,361,962" [General Fund FY18 & FY19]
Insert: "5,898,219 5,893,355" [State Special Fund FY18 & FY19]
Insert: "267,250 266,961" [Federal Special Fund FY18 & FY19]

105. Page C-6, line 23: Department of Natural Resources & Conservation.
Strike: "(Restricted)"

106. Page C-7: Department of Natural Resources & Conservation.
Following: line 11
Insert: "If federal funds are received by the department for Aquatic Invasive Species Response in excess of the federal special revenue in the Aquatic Invasive Species Response appropriation, the state special revenue appropriation for Aquatic Invasive Species Response must be reduced and federal special revenue increased by the amount of federal funds received."

107. Page C-7: Department of Natural Resources & Conservation.
Strike: line 25 through line 26

108. Page C-8, line 11: Department of Agriculture.
Strike: "6,397,707 6,413,565" [State Special Fund FY18 & FY 19]

Insert: "6,344,856 6,377,265" [State Special Fund FY18 & FY 19]

109. Page D-1, line 4:Judical Branch.
Strike: "16,685,945 16,848,769" [General Fund FY 18 FY 19]
Insert: "16,697,082 16,859,076" [General Fund FY 18 FY 19]

110. Page D-1, line 18: Judiciary.
Strike: "930,000 930,000" [General Fund FY18 FY19]
Insert: "830,000 830,000" [General Fund FY18 FY19]
Insert: "100,000 100,000" [State Special Fund FY18 FY19]

111. Page D-1, line 27: Judiciary.
Following: line 27
Insert: "If state special revenue fees collected for CASA by court fees is greater than $100,000 for each year of the 2019 biennium, the state special revenue appropriation for the department is increased by the additional fee revenue and the general fund appropriation is reduced by an equal amount."

112. Page D-2, line 4:Crime Control Division.
Strike: "2,101,891 2,134,904" [General Fund FY 18 FY 19]
Insert: "2,102,571 2,136,591" [General Fund FY 18 FY 19]

113. Page D-2, Crime Control Division.
Following: line 14
Insert: "a. Sentencing Commission and Senate Bill 59 (Biennial/OTO)"
Insert: "780,000 780,000" [General Fund FY18 FY19]
Insert: "b. Sentencing Commission and Senate Bill 65 (Biennial/OTO)"
Insert: "200,000 200,000" [General Fund FY18 FY19]

114. Page D-2, line 10:
Following: line 10
Insert: "Funding for the Sentencing Commission and Senate Bill NO. 59 in the amount of $780,000 general fund each year of the biennium is contingent upon the passage and approval of Senate Bill No. 59."

Insert: "Funding for the Sentencing Commission and Senate Bill No. 65 in the amount of $200,000 general fund each year of the biennium is contingent upon the passage and approval of Senate Bill No. 65."

115. Page D-2, line 15:Department of Justice.
Strike: "6,701,074 7,022,795" [General Fund FY 18 FY 19]
Insert: "6,701,693 7,022,830" [General Fund FY 18 FY 19]

Strike: "1,267,212 1,271,265" [State Special Fund FY 18 FY 19]
Insert: "1,267,344 1,271,272" [State Special Fund FY 18 FY 19]

Strike: "732,395 733,311" [Federal Special Fund FY 18 FY 19]
Insert: "732,418 733,312" [Federal Special Fund FY 18 FY 19]

116. Page D-2, line 17: Department of Justice.
Strike: "37,742,214 37,910,265" [State Special Fund FY 18 FY 19]
Insert: "36,943,191 37,106,559" [State Special Fund FY 18 FY 19]

117. Page D-2: Department of Justice.
Following: line 17
Insert: "a. Dedicated Criminal Interdiction Team"
Insert: "1,088,351 638,046" [State Special Fund FY 18 FY 19]

118. Page D-2, line 19:Department of Justice.
Strike: "4,459,902 4,532,481" [General Fund FY 18 FY 19]
Insert: "4,460,614 4,532,522" [General Fund FY 18 FY 19]

119. Page D-2, line 21:Department of Justice.
Strike: "7,419,880 7,498,827" [General Fund FY 18 FY 19]
Insert: "7,421,322 7,498,899" [General Fund FY 18 FY 19]

Strike: "4,546,886 4,429,820" [State Special Fund FY 18 FY 19]
Insert: "4,548,246 4,429,903" [State Special Fund FY 18 FY 19]

Strike: "606,637 603,506" [Federal Special Fund FY 18 FY 19]
Insert: "606,797 603,521" [Federal Special Fund FY 18 FY 19]

120. Page D-2, line 23:Department of Justice.
Strike: "3,157,547 3,169,018" [State Special Fund FY 18 FY 19]
Insert: "3,157,659 3,169,024" [State Special Fund FY 18 FY 19]

Strike: "1,233,643 1,238,361" [Proprietary FY 18 FY 19]
Insert: "1,233,835 1,238,372" [Proprietary FY 18 FY 19]

121. Page D-2, line 25:Department of Justice.
Strike: "4,839,219 3,911,914" [General Fund FY 18 FY 19]
Insert: "4,839,554 3,911,933" [General Fund FY 18 FY 19]

122. Page D-3, line 2:Department of Justice.
Strike: "8,241,393 9,191,574" [General Fund FY 18 FY 19]
Insert: "8,247,490 9,191,948" [General Fund FY 18 FY 19]

Strike: "15,198,705 14,436,672"[State Special Fund FY 18 FY 19]
Insert: "15,202,770 14,436,881"[State Special Fund FY 18 FY 19]

123. Page D-3, line 8:Department of Justice.

Strike: "1,110,914 1,164,603" [General Fund FY 18 FY 19]
Insert: "1,111,009 1,164,576" [General Fund FY 18 FY 19]

Strike: "554,566" [State Special Fund FY 18]
Insert: "554,563" [State Special Fund FY 18]

124. Page D-3, line 9:Department of Justice.
Strike: "515,338" [State Special Fund FY 19]
Insert: "515,370" [State Special Fund FY 19]

125. Page D-3, line 13:Department of Justice.
Strike: "419,437 426,441" [General Fund FY 18 FY 19]
Insert: "419,449 426,442" [General Fund FY 18 FY 19]

126. Page D-3, line 23:Public Service Commission.
Strike: "4,064,322 3,624,462" [State Special Fund FY 18 FY 19]
Insert: "4,165,359 3,725,406" [State Special Fund FY 18 FY 19]

127. Page D-4, line 13:Office of Public Defender.
Strike: "2,565,379 2,567,289" [State Special Fund FY 18 FY 19]
Insert: "2,570,428 2,572,426" [State Special Fund FY 18 FY 19]

128. Page D-5, line 1:Department of Corrections.
Strike: "11,919,154 11,950,998" [General Fund FY 18 FY 19]
Insert: "11,931,696 11,960,964" [General Fund FY 18 FY 19]

129. Page D-6, line 6: Department of Corrections.
Following: "supervision"
Insert: "and that county jail holds are at a level of 250 or less as of January 1, 2018"

130. Page D-6, line 8: .
Following: "population"
Insert: "and that county jail holds are maintained at a level of 250 or less as of January 1, 2019"

131. Page E-1, line 4:Office of Public Instruction.
Strike: "10,299,894 10,429,336" [General Fund FY 18 FY 19]
Insert: "10,304,047 10,432,729" [General Fund FY 18 FY 19]

132. Page E-1: Office of Public Instruction.
Following: line 8
Insert: "c. Montana Digital Academy (Restricted/OTO)"
Insert: "832,500 832,500" [General Fund FY 18 FY 19]

133. Page E-1, line 16: Office of Public Instruction.

Strike: "1,500,000 1,500,000" [General Fund FY 18 FY 19]
Insert: "2,000,000 2,000,000" [General Fund FY 18 FY 19]

134. Page E-1, line 22: Office of Public Instruction.
Strike: "667,755,078 681,959,844" [General Fund FY 18 FY 19]
Insert: "699,089,760 731,529,417" [General Fund FY 18 FY 19]

135. Page E-1, line 26: Office of Public Instruction.
Strike: "68,219,174 68,236,389" [General Fund FY 18 FY 19]
Insert: "14,356,539 14,356,539" [General Fund FY 18 FY 19]

136. Page E-2, line 3: Office of Public Instruction.
Strike: "42,891,966 42,891,966" [General Fund FY 18 FY 19]
Insert: "43,509,471 43,509,471" [General Fund FY 18 FY 19]

137. Page E-2: Office of Public Instruction.
Following: line 9
Insert: "n. Natural Resource Development K-12 School Facilities Payment (Restricted)"
Insert: "5,800,000" [General Fund FY19]
"o. Coal-Fired Generating Unit Closure Mitigation Block Grant (Restricted)"
Insert: "1,693,274 1,693,274" [General Fund FY18 FY19]

138. Page E-2: Office of Public Instruction.
Following: line 19
Insert: "The office of public instruction may distribute the one-time-only general fund appropriation for the Montana Digital Academy for fiscal year 2019 only if the digital academy provides a report to the legislative finance committee not later than May 31, 2018, that includes at a minimum information on enrollment, course offerings, completion rates, schools served, implications of MCA 20-7-1202, and detailed financial statements for fiscal year 2014 through fiscal year 2017."

139. Page E-2, line 27:Board of Public Education.
Strike: "142,551 142,292" [General Fund FY 18 FY 19]
Insert: "142,616 142,345" [General Fund FY 18 FY 19]

140. Page E-3, line 11:School for the Deaf and Blind.
Strike: "515,290 510,141" [General Fund FY 18 FY 19]
Insert: "525,438 518,432" [General Fund FY 18 FY 19]

141. Page E-4, line 3:Montana Arts Council.
Strike: "519,102 518,921" [General Fund FY 18 FY 19]
Insert: "519,343 519,171" [General Fund FY 18 FY 19]

Strike: "233,959 234,134" [State Special Fund FY 18 FY 19]
Insert: "233,981 234,237" [State Special Fund FY 18 FY 19]

Strike: "707,551 707,433" [Federal Special Fund FY 18 FY 19]
Insert: "707,590 707,615" [Federal Special Fund FY 18 FY 19]

142. Page E-4, line 13:Montana State Library.
Strike: "2,870,034 2,883,867" [General Fund FY 18 FY 19]
Insert: "2,871,271 2,884,878" [General Fund FY 18 FY 19]

143. Page E-4, line 13: Montana State Library.
Strike: "1,775,306 1,791,774" [State Special Fund FY18 & FY 19]
Insert: "1,733,753 1,763,181" [State Special Fund FY18 & FY 19]

144. Page E-4, line 24:Montana Historical Society.
Strike: "1,008,843 1,010,063" [General Fund FY 18 FY 19]
Insert: "1,009,132 1,011,395" [General Fund FY 18 FY 19]

Strike: "51,120 51,119" [State Special Fund FY 18 FY 19]
Insert: "51,136 51,196" [State Special Fund FY 18 FY 19]

145. Page E-5, line 1:Montana Historical Society.
Strike: "1,217,151 1,218,275" [General Fund FY 18 FY 19]
Insert: "1,217,419 1,219,572" [General Fund FY 18 FY 19]

146. Page E-5, line 3:Montana Historical Society.
Strike: "398,502 400,293" [State Special Fund FY 18 FY 19]
Insert: "398,612 400,825" [State Special Fund FY 18 FY 19]

147. Page E-5, line 7:Montana Historical Society.
Strike: "108,386 108,176" [State Special Fund FY 18 FY 19]
Insert: "108,479 108,626" [State Special Fund FY 18 FY 19]

148. Page E-5, line 9:Montana Historical Society.
Strike: "762,653 758,944" [Federal Special Fund FY 18 FY 19]
Insert: "763,156 761,374" [Federal Special Fund FY 18 FY 19]

149. Page E-5, line 16:Commissioner of Higher Education.
Strike: "3,077,661 3,091,237" [General Fund FY 18 FY 19]
Insert: "3,077,915 3,091,444" [General Fund FY 18 FY 19]

150. Page E-5, line 26: Commissioner of Higher Education.
Strike: "80,994" [General Fund FY 18]
Insert: "82,973" [General Fund FY 18]

151. Page E-6: Commissioner of Higher Education.
Following: line 7
Insert: "b. Family Practice Rural Residency"

Insert: "400,000" [State Special Fund FY 18]
Insert: "400,000" [General Fund FY 19]

152. Page E-6, line 9: Commissioner of Higher Education.
Strike: "26,814,263 26,868,524" [General Fund FY 18 FY 19]
Insert: "27,114,263 27,168,524" [General Fund FY 18 FY 19]

153. Page E-6: Commissioner of Higher Education.
Following: line 11
Insert: "b. AES Seed Lab MSU-Bozeman (Biennial/OTO)"
Insert: "100,000 100,000" [General Fund FY 18 FY 19]
Insert: "c. AES Wool Lab MSU-Bozeman (Restricted/Biennial/OTO)"
Insert: "55,000 55,000" [General Fund FY 18 FY 19]
Insert: "d. Fire School Training Services"
Insert: "100,000 100,000" [State Special Revenue FY 18 FY 19]

154. Page E-7, line 8: Commissioner of Higher Education.
Strike: "47.05%" in two places
Insert: "48.20%" in two places

155. Page E-7, line 9: Commissioner of Higher Education.
Strike: "52.95%"
Insert: "51.80%"

156. Page E-7, line 11 through line 12: Commissioner of Higher Education.
Strike: "1,937 resident FTE students each year of the 2019 biennium."
Insert: "resident FTE students of 1,937 in FY 2018 and 1,958 in FY 2019."

157. Page E-7, line 21: Commissioner of Higher Education.
Strike: "47.05%"
Insert: "48.20%"

158. Page E-7, line 22: Commissioner of Higher Education.
Strike: "52.95%"
Insert: "51.80%"

And, as amended, be concurred in.

Without objection, committee report was adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 11:00 a.m., Thursday, March 30, 2017, the sixty-sixth legislative day. Motion carried.

Senate adjourned at 2:34 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 30, 2017 — State Capitol

Senate convened at 11:00 a.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Gauthier and F. Smith excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/30/2017

Correctly printed: **SB 313**, **SB 333**, **SB 335**, **SB 337**, **SB 338**, **SB 345**, **SB 346**, **SB 352**, **SB 353**, **SB 354**, **SB 359**, **SB 361**, **SB 362**, **SB 363**, **SB 366**, **SB 367**, **SB 370**, **SB 372**, **SB 376**, **SJ 20**, **SJ 22**, **SR 4**, **HB 37**, **HB 97**, **HB 217**, **HB 324**, **HB 427**, **HB 444**, **HB 445**, **HB 482**, **HB 537**, **HB 564**.

Correctly engrossed: **SB 368**, **SB 377**, **HB 185**, **HB 255**, **HB 283**, **HB 348**, **HB 383**, **HB 487**.

Correctly enrolled: **SB 135**, **SB 224**, **SB 231**, **SB 252**, **SB 275**, **SR 32**, **SR 33**, **SR 52**, **SR 53**.

Examined by the sponsor and found to be correct: **SB 135**, **SB 224**, **SB 231**, **SB 252**, **SB 275**, **SR 32**, **SR 33**, **SR 52**, **SR 53**.

Signed by the President at 4:10 p.m., March 29, 2017: **SB 40**, **SB 58**, **SB 65**, **SB 113**, **SB 127**, **SB 149**, **SB 152**, **SB 155**, **SB 157**, **SB 164**, **SB 169**, **SB 178**, **SB 219**, **SB 222**, **SR 35, SR 47**, **SR 49**, **SR 50**, **SJ 10**.

Signed by the Secretary of the Senate at 4:25 p.m., March 29, 2017: **SB 40**, **SB 58**, **SB 65**, **SB 113**, **SB 127**, **SB 149**, **SB 152**, **SB 155**, **SB 157**, **SB 164**, **SB 169**, **SB 178**, **SB 219**, **SB 222**, **SR 35**, **SR 47**, **SR 49**, **SR 50**, **SJ 10**.

Signed by the Speaker at 11:15 a.m., March 30, 2017: **SB 32**.

Signed by the Speaker at 11:50 a.m., March 30, 2017: **SB 40**, **SB 58**, **SB 65**, **SB 113**, **SB 127**, **SB 149**, **SB 152**, **SB 155**, **SB 157**, **SB 164**, **SB 169**, **SB 178**, **SB 219**, **SB 222**, **SJ 10**.

Delivered to the Governor at 3:24 p.m., March 30, 2017: **SB 32**.

Delivered to the Secretary of State at 8:40 a.m., March 30, 2017: **SR 35**, **SR 47**, **SR 49**, **SR 50**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 3/28/2017

SB 377, introduced bill, be amended as follows:

1. Page 1, line 27.
Strike: "motor vehicle"
Insert: "driver's"

2. Page 1, line 28.

Following: "5,"
Insert: "and identification cards under Title 61, chapter 12, part 5,"

And, as amended, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/29/2017

HB 185, be amended as follows:

1. Title, page 1, line 10.
Strike: "PROVIDING AN APPROPRIATION;"

2. Page 2, line 16.
Strike: "and"
Insert: "or"

3. Page 2, line 18.
Strike: "The"
Insert: "(a) Except as provided in subsection (5)(b), the"

4. Page 2, line 19.
Following: "legislature."
Insert: "(b) The board of regents may accept donations from private or out-of-state public sources for this program and shall distribute any funding received in accordance with [sections 1 through 3].
(6)"

5. Page 2, line 20.
Following: "ON"
Insert: "the following criteria in order"

6. Page 2.
Following: line 20
Insert: "(a) previous participation in the grant program with students who have previously received grants through the program receiving priority;"
Renumber: subsequent subsections

7. Page 2, line 21.
Strike: "AND"

8. Page 2.
Following: line 21
Insert: "(c) students in programs for professional credentialing in high-demand labor markets; and"
Renumber: subsequent subsections

9. Page 2, line 23.
Following: "CERTIFICATION"
Insert: ", with priority to more recent graduates and completers"

10. Page 2, line 25 through line 27.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

HB 487, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "PROVIDING" on line 7
Insert: "REVISING"
Strike: "CLARIFYING" on line 7 through "PROFESSIONALS;" on line 8

2. Title, page 1, line 8.
Strike: "AND"

3. Title, page 1, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 2, line 3 through line 4.
Strike: "unless" on line 3 through "omission" on line 4
Following: "."
Insert: "This subsection (2)(b) does not apply to liability for willful or wanton misconduct."

5. Page 2, line 24 through line 26.
Strike: "and" on line 24 through "knowledge" on line 26
Insert: "includes the evaluation and management of concussions consistent with current medical knowledge"

6. Page 2, line 29.
Strike: "under 18 years of age"

7. Page 3, line 13 through line 14.
Strike: "and guidelines" on line 13 through "prevention," on line 14

8. Page 4.
Following: line 1
Insert: "NEW SECTION. **Section 4. Effective date -- applicability.** [This act] is effective October 1, 2017, and applies to occurrences on or after October 1, 2017."

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 3/30/2017
HB 37, be concurred in.
HB 217, be concurred in.

LOCAL GOVERNMENT (Webb, Chair): 3/29/2017
SB 372, do pass.
HB 445, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/29/2017
HB 255, be amended as follows:

1. Title, page 1, line 11.
Strike: "SECRETARY OF STATE"
Insert: "DEPARTMENT OF JUSTICE"

2. Page 1, line 29.
Strike: "secretary of state"
Insert: "department of justice"

3. Page 2, line 1.
Following: "SECTION"
Insert: ", the following definitions apply"

4. Page 2, line 5.
Following: "PARTY,"
Insert: "or"

5. Page 2, lines 5 though 6.
Strike: ", OR A BLOCK PARTY"

6. Page 2, line 11.
Following: "part of"
Strike: "Title 2, chapter 2, part 1,"
Insert: "Title 13, chapter 35, part 2,"
Following: "provisions of"
Strike: "Title 2, chapter 2, part 1,"
Insert: "Title 13, chapter 35, part 2,"

And, as amended, be concurred in.

HB 283, be amended as follows:

1. Page 1, line 11 through line 25.

Strike: section 1 in its entirety
Renumber: subsequent sections

2. Page 1, line 29.
Strike: "January 31"
Insert: "October 1"

3. Page 1, line 30.
Strike: "microsoft excel"

4. Page 2, line 1.
Strike: "calendar"
Insert: "fiscal"

5. Page 2, line 12.
Following: "[Section"
Strike: "2"
Insert: "1"

6. Page 2, line 13.
Following: "[section"
Strike: "2"
Insert: "1"

And, as amended, be concurred in.

HB 383, be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "INCREASING" on line 8 through "2017;"

2. Title, page 1, line 11.
Following: "~~AND~~"
Insert: "AND"

3. Title, page 1, line 11 through line 12.
Strike: "19-7-501," on line 11 through "19-7-901," on line 12

4. Page 4, line 4.
Strike: "10.245%"
Insert: "10.495%"

5. Page 5, line 27 through page 7, line 23.
Strike: section 4 through section 7 in their entirety
Renumber: subsequent sections

And, as amended, be concurred in.

Without objection, committee reports were adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 170 - Senator Hinebauch moved **SB 170** do pass. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Buttrey, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 22

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: Gauthier, Smith F.
Total 2

Senator Gauthier present at this time.

SB 170 - Senator Thomas moved **SB 170** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Tempel, Vuckovich, Webb, Whitford, Wolken.
Total 32

Nays: Blasdel, Caferro, Gauthier, Hinebauch, Hinkle, Howard, Keenan, Lang, Olszewski,

Regier, Smith C, Swandal, Thomas, Vance, Vincent, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Smith F.
Total 1

Senator F. Smith present at this time.

SB 338 - Senator Ankney moved **SB 338** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Barrett, Hinebauch, Howard, Keenan, Pomnichowski, Swandal, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 368 - Senator Richmond moved **SB 368** do pass.

SB 368 - Senator Sesso moved **SB 368**, second reading copy, be amended as follows:

1. Page 5, line 7.
Following: "campaign"
Insert: "if the materials are properly attributed as required in 13-35-225"

2. Page 9, line 14.
Following: "~~debts, fines,~~"
Insert: "debts, fines,"
Following: "~~forfeitures~~"
Insert: ", or forfeitures"

3. Page 13, line 10.
Following: "~~forfeitures~~"

Insert: "fines, forfeitures, or"

4. Page 15, line 7.
Strike: "2002"
Insert: "2016"

5. Page 15, line 30.
Strike: "2002"
Insert: "2016"

6. Page 16, line 13.
Strike: "2003"
Insert: "2016"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinkle, Howard.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 368 - Senator Sesso moved **SB 368**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: line 6 in its entirety

2. Title, page 1, line 8 through line 10.
Strike: "CREATING" on line 8 through "PERIODS;" on line 10

3. Title, page 1, line 14.
Following: "13-10-202,"
Insert: "13-37-111,"
Following: "13-37-113,"
Strike: "13-37-115," through "13-37-124,"

4. Page 8, following line 28.
Insert: "Section 3. Section 13-37-111, MCA, is amended to read:

"13-37-111. Investigative powers and duties -- recusal. (1) Except as provided in 13-35-240 and this section, the commissioner is responsible for investigating all of the alleged violations of the election laws contained in chapter 35 of this title or this chapter and in conjunction with the county attorneys is responsible for enforcing these election laws.

(2) The commissioner may:

(a) investigate all statements filed pursuant to the provisions of chapter 35 of this title or this chapter and shall investigate alleged failures to file any statement or the alleged falsification of any statement filed pursuant to the provisions of chapter 35 of this title or this chapter. Upon the submission of a written complaint by any individual, the commissioner shall investigate any other alleged violation of the provisions of chapter 35 of this title, this chapter, or any rule adopted pursuant to chapter 35 of this title or this chapter. <u>As part of the investigation after the submission of a written complaint, the commissioner shall offer the subject of the complaint an opportunity to meet with the commissioner or with the commissioner and an attorney from the department of justice agency legal services bureau. The attorney from the agency legal services bureau may not otherwise be involved in the investigation or any resulting prosecution of the complaint. During the meeting, the subject of the complaint may raise concerns about and objections to the complaint.</u>

(b) inspect any records, accounts, or books that must be kept pursuant to the provisions of chapter 35 of this title or this chapter that are held by any political committee or candidate, as long as the inspection is made during reasonable office hours; and

(c) administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, bank account statements of a political committee or candidate, or other records that are relevant or material for the purpose of conducting any investigation pursuant to the provisions of chapter 35 of this title or this chapter.

(3) If the commissioner determines that considering a matter would give rise to the appearance of impropriety or a conflict of interest, the commissioner is recused from participating in the matter.

(4) The commissioner is recused from participating in any decision in which the commissioner is accused of violating 13-37-108 or any other ethical standard.

(5) (a) If a campaign finance or ethics complaint is filed in the office of the commissioner against the commissioner, a supervisor within the commissioner's office shall within 10 business days forward the complaint to the attorney general, who shall within 45 days appoint a deputy in the case of a finance complaint or a deputy and a hearings officer in the case of an ethics complaint to make a determination in the matter of the complaint. The attorney general shall, to the extent practicable, ensure that there is no conflict of interest in the appointment of the deputy or hearings officer or in the provision of any legal advice to the office of the commissioner.

(b) A deputy appointed pursuant to this subsection must, in addition to complying with the requirements of subsection (6)(b), be an attorney licensed to practice law in Montana who is engaged in the private practice of law and who has liability insurance applicable to the purposes for which the deputy is appointed.

(c) If a complaint is filed against the commissioner, another employee in the office of

the commissioner may not provide the commissioner with any information or documents concerning a complaint against the commissioner beyond that information or those documents normally provided to persons in matters before the commissioner.

(6) (a) If the commissioner is recused pursuant to this section, the commissioner shall, except as provided in subsection (5), appoint a deputy, subject to subsection (6)(b).

(b) The deputy:

(i) may not be an employee of the office of the commissioner;

(ii) must have the same qualifications as specified for the commissioner in 13-37-107;

(iii) with respect to only the specific matter from which the commissioner is recused, has the same authority, duties, and responsibilities as the commissioner would have absent the recusal; and

(iv) may not exercise any powers of the office that are not specifically related to the matter for which the deputy is appointed.

(7) (a) Except as provided in subsection (7)(b), the appointment of the deputy is effectuated by a contract between the commissioner and the deputy. A contract executed pursuant to this subsection (7) must specify the deputy's term of appointment, which must be temporary, the matter assigned to the deputy, the date on which the matter assigned must be concluded by the deputy, and any other items relevant to the deputy's appointment, powers, or duties.

(b) If a deputy is appointed pursuant to subsection (5), the appointment of the deputy is effectuated by a contract between the supervisor who forwarded the complaint to the attorney general and the deputy or the deputy and the hearings officer, but the contract is construed to be with the office of the commissioner.""

Renumber: subsequent sections

5. Page 9, line 19 through page 13, line 12.
Strike: section 4 through section 8 in their entirety
Renumber: subsequent sections

6. Page 13, line 28.
Strike: "12"
Insert: "8"

7. Page 14, line 4.
Strike: "12"
Insert: "8"

8. Page 20, line 5 through line 7.
Strike: subsection (1) in its entirety

9. Page 20, line 8.
Strike: "(2)"
Strike: "12"
Insert: "8"

10. Page 20, line 9.
Strike: "12"
Insert: "8"

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 23

Nays: Blasdel, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 368 - Bill, as amended passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Malek, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 313 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Fielder, Hinebauch, Hoven, Howard, Lang.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.

Total 32

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Vance, Webb, Welborn, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 337 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 20 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 47

Nays: Lang, Welborn, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 444 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the Senate stand in recess until 1:05 p.m. Motion carried.
Senate recessed at 12:20 p.m.

* * * * *

Senate re-convened at 1:05 p.m. President Sales in the chair.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/28/2017
SB 370, do pass.

Without objection, committee report was adopted.

MOTIONS

Senator Cohenour moved that **SB 358** be taken from the Highways and Transportation Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 20

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 30

Absent or not voting: None.

Total 0

Excused: None.
Total 0

Majority Leader Thomas moved that **HB 383** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 123** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 359 - Senator Blasdel moved **SB 359** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 38

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Hinkle, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 352 - Senator Olszewski moved **SB 352** do pass. Motion carried as follows:

Yeas: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 353 - Senator Buttrey moved **SB 353** do pass. Motion carried as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Connell, Gauthier, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 31

Nays: Ankney, Blasdel, Brown, Cohenour, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Pomnichowski, Smith C, Swandal, Vance.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 - Senator Vincent moved **SB 361** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 362 - Senator Buttrey moved **SB 362** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Barrett, Boland, Cohenour, Facey, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Smith F.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - Senator R. Webb moved **SB 348** do pass.

SB 348 - Senator R. Webb moved **SB 348**, second reading copy, be amended as follows:

1. Page 2, line 3.
Strike: "8"
Insert: "7"

2. Page 3, line 13.
Strike: "8"
Insert: "7"

3. Page 3, line 14.
Strike: "9"
Insert: "8"

4. Page 3, line 17.
Strike: "8"
Insert: "7"

5. Page 3, line 21.
Strike: "8"
Insert: "7"

6. Page 6, line 5.

Strike: "8"
Insert: "7"

7. Page 6, line 6.
Strike: "8"
Insert: "7"

8. Page 6, line 7.
Strike: "9"
Insert: "8"

9. Page 6, line 8.
Strike: "9"
Insert: "8"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Keenan, Olszewski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - Bill, as amended, **failed** as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Connell, Gauthier, Hoven, Jones, Kary, MacDonald, Malek, Richmond, Salomon, Small, Smith F, Swandal, Vance, Vuckovich, Webb, Welborn, Wolken.
Total 22

Nays: Blasdel, Boland, Cohenour, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Howard, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Sands, Sesso, Smith C, Tempel, Thomas, Vincent, Whitford, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - Majority Leader Thomas moved **SB 348** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Sands, Small, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Mr.President.
Total 39

Nays: Caferro, Kary, Richmond, Salomon, Sesso, Smith F, Swandal, Webb, Welborn, Whitford, Wolken.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 - Senator D. Brown moved **SB 355** do pass. Motion **failed** as follows:

Yeas: Ankney, Brown, Buttrey, Facey, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Moore, Olszewski, Osmundson, Richmond, Smith C, Swandal, Thomas, Vance, Vincent, Welborn, Wolken, Mr.President.
Total 24

Nays: Barrett, Blasdel, Boland, Caferro, Cohenour, Connell, Fitzpatrick, Gross, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Whitford.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 - Majority Leader Thomas moved **SB 355** be **indefinitely postponed**. Motion carried

as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Fitzpatrick, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 38

Nays: Blasdel, Brown, Facey, Fielder, Gauthier, Gross, Hinkle, Keenan, Olszewski, Smith C, Swandal, Welborn.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 354 - Senator Caferro moved **SB 354** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vuckovich, Webb,

Welborn, Whitford, Wolken.
Total 41

Nays: Blasdel, Brown, Fielder, Hinkle, Keenan, Moore, Thomas, Vincent, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the Senate stand in recess until 4:00 p.m. Motion carried.
Senate recessed at 3:02 p.m.

* * * * *

Senate re-convened at 4:00 p.m. President Sales in the chair.

MOTIONS

Majority Leader Thomas moved the Senate **suspend rule S50-190**, third reading procedure, for the purpose of placing all bills which have passed second reading to this point on third reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator MacDonald excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 338 passed as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Barrett, Hinebauch, Keenan, Pomnichowski, Swandal, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: MacDonald.
Total 1

SB 352 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: MacDonald.
Total 1

SB 353 passed as follows:

Yeas: Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, Malek, McClafferty, McNally, Moore,

Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 35

Nays: Ankney, Brown, Facey, Fielder, Fitzpatrick, Hinkle, Keenan, Pomnichowski, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: MacDonald.
Total 1

SB 354 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, Jones, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Nays: Blasdel, Brown, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: MacDonald.
Total 1

Senator MacDonald present at this time.

SB 359 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 40

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, McClafferty, Pomnichowski, Sands.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 362 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Barrett, Boland, Facey, MacDonald, Malek, McNally, Pomnichowski, Sands, Smith F.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 368 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Malek, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator McNally moved to change her third-reading vote on **SB 352** from Yes to No. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 372 - Senator Moore moved consideration of **SB 372** be passed for the day. Without objection, so ordered.

SB 375 - Senator S. Sales moved **SB 375** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Facey, Fielder, Gauthier, Hinebauch, Hinkle, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Welborn, Whitford, Wolken, Mr.President.
Total 31

Nays: Barrett, Boland, Cohenour, Connell, Fitzpatrick, Gross, Hoven, Howard, Kary, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Regier, Salomon, Smith F, Vuckovich, Webb.
Total 19

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 377 - Senator Fitzpatrick moved **SB 377** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 374 - Senator Ankney moved **SB 374** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Hinebauch, Kary, Keenan, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 - Senator C. Smith moved **SB 345** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty,

McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 42

Nays: Caferro, Facey, Gross, MacDonald, Malek, Pomnichowski, Smith F, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 346 - Senator Gauthier moved **SB 346** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Vincent moved **SB 363** do pass.

SB 363 - Senator Vincent moved **SB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 11.
Strike: "A TERMINATION DATE"
Insert: "TERMINATION DATES"

2. Page 2, line 12.
Strike: "$577.75"
Insert: "$967.62"

3. Page 2, line 29.

Following: "(1)"
Strike: "A"
Insert: "Between July 1, 2017, and June 30, 2019, a load-serving"

4. Page 3, line 1.
Strike: "AN"
Insert: "a quarterly"

5. Page 3, line 1 through line 2.
Strike: "OF $0.0009972" on line 1 through "QUARTER." on line 2
Insert: "determined by the department pursuant to subsection (2).
(2) By September 30, 2017, the department shall calculate the quarterly fee for each load-serving utility by multiplying the utility's 2015 kilowatt-hour sales by the factor calculated pursuant to subsection (3), dividing the product by four, and rounding that product to the nearest whole dollar.
(3) The department shall determine the factor used in subsection (2) by multiplying the fee assessed in [section 3(1)] by four, multiplying that product by the total nameplate capacity of a utility regulated pursuant to Title 69, chapter 8, and then dividing that product by 6,080,144,265."
Renumber: subsequent subsections

6. Page 13, line 2.
Following: "**Termination.**"
Insert: "(1) [Section 4] and the reference to [section 4] in 80-7-1004 terminate June 30, 2019.
(2)"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Vincent moved **SB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 10.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

2. Title, page 1, line 11.
Strike: "A TERMINATION DATE"
Insert: "TERMINATION DATES"

3. Page 11.
Following: line 6
Insert: "Section 12. Section 80-7-1004, MCA, is amended to read:

"80-7-1004. Invasive species account. (1) There is an invasive species account in the state special revenue fund. The account is administered by the department of fish, wildlife, and parks.

(2) Money transferred ~~from the general fund or received~~ from any ~~other~~ lawful source, including but not limited to fees collected pursuant to [section 1], [section 2], and [section 5], gifts, grants, donations, securities, or other assets, public or private, may be deposited in the account.

(3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or control any nonnative, aquatic invasive species pursuant to this part.

(4) Any private contribution deposited in the account for a particular purpose, as stated by the donor, must be used exclusively for that purpose.

(5) Any interest and earnings on the account must be retained in the account.

(6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species account.""
Renumber: subsequent sections

4. Page 12, line 26.
Strike: "**date.**"
Insert: "**dates.** (1)"
Strike: "[This act]"
Insert: "Except as provided in subsection (2), [this act]"

5. Page 12.
Following: line 26
Insert: "(2) [Section 12] is effective July 1, 2019."

6. Page 13, line 2.
Following: "**Termination.**"
Insert: "(1) [Sections 3, 4, 10, and 11] terminate June 30, 2019.
(2)"
Strike: "11(6)"
Insert: "(12)(6)"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Vincent moved **SB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "ESTABLISHING THE NONRESIDENT" on line 6 through "DECALS;" on line 7
Insert: "ESTABLISHING THE AQUATIC INVASIVE SPECIES PREVENTION PASS;"

2. Title, page 1, line 8.
Strike: "ESTABLISHING AN IRRIGATED FARMLAND FEE;"

3. Title, page 1, line 9.
Strike: "REVISING DEFINITIONS;"
Insert: "DEFINING "HYDROELECTRIC FACILITY"; EXTENDING RULEMAKING AUTHORITY;"

4. Title, page 1, line 9 through line 10.
Strike: "23-2-502," on line 9 through "23-2-512," on line 10

5. Title, page 1, line 10.
Following: "80-7-1006,"
Strike: "AND"
Following: "80-7-1010,"
Insert: "87-2-514, 87-2-711, 87-2-816, AND 87-2-817,"

6. Title, page 1, line 11.
Strike: "APPLICABILITY DATES, AND A TERMINATION DATE"
Insert: "AN APPLICABILITY DATE, AND TERMINATION DATES"

7. Page 1, line 15 through page 2, line 8.
Strike: section 1 through section 2 in their entirety

Insert: "NEW SECTION. **Section 1. Aquatic invasive species prevention pass.** (1) To be eligible to fish in Montana or to apply for a fishing license or a combination license that includes a fishing license a person must first obtain an aquatic invasive species prevention pass as provided in this section. The pass must be purchased once each license year.

(2) Resident aquatic invasive species prevention passes may be purchased for a fee of $2.

(3) Nonresident aquatic invasive species prevention passes may be purchased for a fee of $15."

Renumber: subsequent sections

8. Page 3, line 13 through line 21.
Strike: section 5 in its entirety
Renumber: subsequent sections

9. Page 4, line 23 through page 9, line 28.
Strike: section 7 through section 9 in their entirety
Renumber: subsequent sections

10. Page 10, line 4.
Strike: "3"
Insert: "2"

11. Page 10, line 28.
Following: "[section 2],"
Insert: "and"
Strike: "[section 4], [AND [SECTION 5],"

12. Page 11.
Following: line 6
Insert: "Section 7. Section 80-7-1004, MCA, is amended to read:

"80-7-1004. Invasive species account. (1) There is an invasive species account in the state special revenue fund. The account is administered by the department of fish, wildlife, and parks.

(2) Money transferred ~~from the general fund or received~~ from any ~~other~~ lawful source, including but not limited to fees collected pursuant to [section 2] and [section 3], gifts, grants, donations, securities, or other assets, public or private, may be deposited in the account.

(3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or control any nonnative, aquatic invasive species pursuant to this part.

(4) Any private contribution deposited in the account for a particular purpose, as stated by the donor, must be used exclusively for that purpose.

(5) Any interest and earnings on the account must be retained in the account.

(6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species account.""

Renumber: subsequent sections

13. Page 12.
Following: line 16
Insert: "Section 10. Section 87-2-514, MCA, is amended to read:

"87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced cost -- definitions. (1) For the purposes of this section, the following definitions apply:

(a) "Nonresident relative of a resident" means a person born in Montana who is the natural or adoptive child, sibling, or parent of a resident but is not a resident.

(b) "Resident" means a resident as defined in 87-2-102.

(2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the qualifications of subsection (5) may purchase the following at one-half the cost:

(a) a Class B nonresident fishing license;

(b) a Class B-1 nonresident upland game bird license;

(c) a Class B-10 nonresident big game combination license; and

(d) a Class B-11 nonresident deer combination license.

(3) The nonresident relative of a resident shall also purchase a nonresident wildlife conservation license as prescribed in 87-2-202, ~~and~~ a nonresident base hunting license as prescribed in 87-2-116 if the nonresident ~~relative of a resident~~ purchases a hunting license, and a nonresident aquatic invasive species prevention pass if the nonresident purchases a fishing license.

(4) Class B-10 and Class B-11 licenses sold pursuant to subsection (2) are not included in the limit on the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.

(5) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply at any department regional office or at the department's state office in Helena and present proof of the following:

(a) a birth certificate verifying the applicant's birth in Montana or documentation that the applicant was born to parents who were residents at the time of birth;

(b) evidence that the person previously held a Montana resident hunting or fishing license or has passed a hunter safety course in Montana pursuant to 87-2-105; and

(c) proof that the applicant is a nonresident relative of a resident.

(6) Of the fee paid for a hunting license purchased pursuant to subsection (2), 28.5% must be deposited in the account established in 87-1-290.""

Insert: "Section 11. Section 87-2-711, MCA, is amended to read:

"87-2-711. Class AAA--combination sports license. (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed in 87-2-202 upon payment of the sum of $70 or, if the resident is a service member eligible for a combination sports license pursuant to 87-2-817(2), upon payment of the resident base hunting license fee provided for in 87-2-116 and purchase of the resident aquatic invasive species prevention pass pursuant to [section 1]; or

(b) a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a

Class A-6 tag upon payment of the sum of $85.

(2) The department may furnish each holder of a combination sports license an appropriate decal.""

Insert: "Section 12. Section 87-2-816, MCA, is amended to read:

"87-2-816. Licenses for legion of valor members -- purple heart awardees. (1) A resident, as defined in 87-2-102, or a nonresident who is a legion of valor member is entitled to fish with a wildlife conservation license issued by the department.

(2) A resident, as defined in 87-2-102, awarded a purple heart for service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with the purchase of a wildlife conservation license ~~issued by the department~~ pursuant to 87-2-202 and a resident aquatic invasive species prevention pass pursuant to [section 1].

(3) A nonresident awarded a purple heart for service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with the purchase of a wildlife conservation license ~~issued by the department~~ pursuant to 87-2-202 and a nonresident aquatic invasive species prevention pass pursuant to [section 1] during expeditions arranged for the nonresident by a nonprofit organization that uses fishing and hunting as part of the rehabilitation of disabled veterans.

(4) The department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account for license costs associated with the fishing and game bird hunting privileges granted pursuant to subsections (2) and (3) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue.""

Insert: "Section 13. Section 87-2-817, MCA, is amended to read:

"87-2-817. Licenses for service members. (1) A veteran or a disabled member of the armed forces who meets the qualifications in 87-2-803(9) as a result of a combat-connected injury may apply at a fish, wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7 deer A tag, a Class B-8 deer B tag, and a special antelope license made available under 87-2-506(3) for one-half of the license fee. Licenses issued to veterans or disabled members of the armed forces under this part do not count against the number of special antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.

(2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the state, upon request and upon presentation of the documentation described in subsection (2)(b), must be issued a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not include a Class A-6 black bear tag, upon payment of the resident base hunting license fee in 87-2-116 and the purchase of the resident aquatic invasive species prevention pass pursuant to [section 1], in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.

(b) To be eligible for the free resident wildlife conservation license or free Class AAA resident combination sports license provided for in subsection (2)(a), an applicant shall, in addition to the written application and proof of residency required in 87-2-202(1), provide to any

regional department office or to the department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's release or discharge from active duty. The applicant is responsible for providing documentation showing that the applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

(c) A Montana resident who meets the service qualifications of subsection (2)(a) and provides the documentation required in subsection (2)(b) is entitled to a free Class A resident fishing license in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.

(d) The department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account for costs associated with the free licenses granted pursuant to this subsection (2) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue.

(3) A member of the armed forces who forfeited a license or permit issued through a drawing as a result of deployment outside of the continental United States in support of a contingency operation as provided in 10 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year of the member's return from deployment or in the first year that the license or permit is made available after the member's return.""

14. Page 12, line 18 through page 13, line 2.
Strike: sections 14 through 17 in their entirety
Insert: "NEW SECTION. **Section 14. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

(2) [Sections 2 and 3] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 2 and 3]."
Insert: "NEW SECTION. **Section 15. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective May 15, 2017.

(2) [Section 7] is effective March 1, 2020."
Insert: "NEW SECTION. **Section 16. Applicability.** [Sections 2 and 3] apply to quarterly periods beginning July 1, 2017."
Insert: "NEW SECTION. **Section 17. Termination.** (1) [Sections 1, 6, 10, 11, 12, and 13] terminate February 29, 2020.

(2) [Sections 4 and 7(6)] terminate June 30, 2027."

Amendment adopted as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Barrett, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Vincent moved **SB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Following: "REVISING DEFINITIONS;"
Insert: "REVISING THE INVASIVE SPECIES TRUST FUND;"

2. Title, page 1, line 10.
Following: "80-7-1006,"
Strike: "AND"
Following: "80-7-1010,"
Insert: "80-7-1016, 80-7-1017, AND 80-7-1018,"

3. Page 11, line 4.
Strike: subsection (5) in its entirety
Insert: "(5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings, must be transferred to the invasive species trust fund established in 80-7-1016."

4. Page 12.
Following: line 16
Insert: "Section 14. Section 80-7-1016, MCA, is amended to read:

"80-7-1016. Invasive species trust fund. (1) There is an invasive species trust fund. The board of investments shall invest the money of the fund, and the investment income must be deposited in the fund.

(2) The principal of the invasive species trust fund shall forever remain inviolate in an amount of ~~$10~~ $100 million unless appropriated by a vote of three-fourths of the members of each house of the legislature.

(3) Except as provided in 80-7-1013 and ~~subsections~~ subsection (2) ~~and (4)~~ of this section, money deposited in the invasive species trust fund may not be appropriated until the principal reaches ~~$10~~ $100 million.

(4) On July 1 of each fiscal year, the principal of the invasive species trust fund in excess of ~~$10~~ $100 million and the interest and income generated from the trust fund, excluding unrealized gains and losses, must be deposited in the invasive species ~~grant~~ account established in ~~80-7-1017~~ 80-7-1004.

(5) Deposits to the principal of the trust fund may include but are not limited to grants, gifts, transfers, bequests, or donations from any source.

~~(6) If the invasive species trust fund is terminated, the money in the fund must be divided between all counties according to rules adopted by the department of natural resources and conservation for that purpose.~~""

Insert: "Section 15. Section 80-7-1017, MCA, is amended to read:

"80-7-1017. Invasive species grant account. (1) There is an invasive species grant account in the state special revenue fund established in 17-2-102. Subject to appropriation by the legislature, money deposited in the account must be used pursuant to 80-7-1018 and this section.

(2) Deposits to the account may include but are not limited to grants, gifts, transfers, bequests, donations, and appropriations from any source~~, and deposits made pursuant to 80-7-1016~~.

(3) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

(4) Money deposited in the account may be used for costs incurred by the department of natural resources and conservation to administer the provisions of ~~80-7-1016 through~~ 80-7-1018. Except for startup costs incurred in the first year of the program, the administrative costs in any fiscal year, including but not limited to personal services and operations, may not exceed 10% of the total amount of grants and contracts awarded pursuant to 80-7-1018 in the previous fiscal year.""

Insert: "Section 16. Section 80-7-1018, MCA, is amended to read:

"80-7-1018. Invasive species grant program -- criteria -- rulemaking. (1) Money deposited in the invasive species grant account established in 80-7-1017 may be expended by the department of natural resources and conservation through grants to or contracts with communities or local, state, tribal, or other entities for invasive species management.

(2) For the purposes of this section, the term "invasive species management" includes public education and planning, development, implementation, or continuation of a program or project to prevent, research, detect, control, or, where possible, eradicate invasive species.

(3) A grant or contract may be awarded under this section for demonstration of and research and public education on new and innovative invasive species management.

(4) In making grant and contract awards under this section, the department of natural resources and conservation shall give preference to local governments, collaborative stakeholders, and community groups that it determines can most effectively implement programs on the ground.

(5) If the governor appoints an advisory council on invasive species, the department of natural resources and conservation shall consider recommendations by the advisory council for awards made under this section.

(6) The department of natural resources and conservation is not eligible to receive grants and contracts under this section.

(7) The department of natural resources and conservation may accept federal funds for use pursuant to this section.

(8) Any funds awarded under this section, regardless of when they were awarded, that are not fully expended upon termination of a contract or an extension of a contract, not to exceed 1 year, must revert to the department of natural resources and conservation and be deposited in the invasive species grant account established in 80-7-1017. The department of natural resources and conservation shall use any reverted funds to make future awards

pursuant to this section.

(9) The department of natural resources and conservation may adopt rules to administer the provisions of ~~80-7-1016 through 80-7-1018~~ this section.""

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Vincent moved **SB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 10.
Strike: "69-3-308,"

2. Page 2, line 23 through line 25.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

3. Page 9, line 30 through page 10, line 22.
Strike: section 10 in its entirety
Renumber: subsequent sections

4. Page 13, line 2.
Strike: "11(6)"
Insert: "10(6)"

Amendment adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinkle, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator S. Sales moved **SB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Following: "FEE;"
Insert: "ESTABLISHING A FEE FOR CERTAIN BICYCLES;"

2. Page 3.
Following: line 21
Insert: "NEW SECTION. **Section 6. Nonresident invasive species bicycle decal.** (1) An invasive species decal must be affixed in a conspicuous place to each bicycle that is brought into and used in Montana by a nonresident. A nonresident may not use or give permission for the use of a bicycle the nonresident brought into the state on which an invasive species decal is not affixed.

(2) An invasive species decal must be purchased each calendar year for $25 at locations prescribed by the department of fish, wildlife, and parks. The decal is not transferable between bicycles.

(3) Money collected by payment of fees under this section must be deposited in the invasive species account established in 80-7-1004."
Renumber: subsequent sections

3. Page 10, line 28.
Strike: "AND"
Following: "[SECTION 5],"
Insert: "and [section 6],"

4. Page 12.
Following: line 24
Insert: "(4) [Section 6] is intended to be codified as an integral part of Title 80, chapter 7, part 10, and the provisions of Title 80, chapter 7, part 10, apply to [section 6]."

5. Page 13, line 2.
Strike: "6 AND 11(6)"

Insert: "7 and 12(6)"

Amendment adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 26

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Bill, as amended, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 - Senator Cohenour moved **SB 366** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 376 - Senator Cohenour moved **SB 376** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Tempel, Welborn, Whitford, Wolken.
Total 26

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 - Senator Welborn moved **SB 335** do pass. Motion carried as follows:

Yeas: Ankney, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Barrett, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Malek, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Smith F, Swandal, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 - Senator Vincent moved **SB 330** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Fielder, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Blasdel, Brown, Connell, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 44

Nays: Hinkle, Kary, Keenan, Olszewski, Webb, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 370** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 10:00 a.m., Friday, March 31, 2017, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 6:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 31, 2017 — State Capitol

Senate convened at 10:00 a.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators MacDonald and Swandal excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/31/2017
Correctly printed: **SB 330**, **SB 335**, **SB 345**, **SB 346**, **SB 366**, **SB 374**, **SB 375**, **SB 376**, **SB 377**.
Correctly engrossed: **SB 363**, **SB 372**, **HB 99**, **HB 100**.
Transmitted to the House: **SB 95**, **SB 313**, **SB 317**, **SB 330**, **SB 333**, **SB 335**, **SB 337**, **SB 338**, **SB 339**, **SB 342**, **SB 345**, **SB 352**, **SB 353**, **SB 354**, **SB 359**, **SB 361**, **SB 362**, **SB 363**, **SB 366**, **SB 367**, **SB 368**, **SB 372**, **SB 374**, **SB 375**, **SB 376**, **SB 377**, **SJ 20**, **HB 108**, **HB 240**, **HB 280**, **HB 289**, **HB 306**, **HB 311**, **HB 355**, **HB 374**, **HB 415**, **HB 444**, **HB 494**.
Delivered to the Governor at 9:26 a.m., March 31, 2017: **SB 40**, **SB 58**, **SB 65**, **SB 113**, **SB 127**, **SB 149**, **SB 152**, **SB 155**, **SB 157**, **SB 164**, **SB 169**, **SB 178**, **SB 219**, **SB 222**.
Delivered to the Secretary of State at 8:30 a.m., March 31, 2017: **SJ 10**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 3/30/2017
HB 466, be concurred in.

Without objection, the committee report was adopted.

MESSAGES FROM THE GOVERNOR

March 30, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, March 30, 2017, I signed the following bills:

SB 8 - T. Facey
SB 128 - D. Salomon

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/30/2017

HB 4, introduced by N. Ballance
HB 5, introduced by J. Keane
HB 6, introduced by J. Keane
HB 7, introduced by J. Keane
HB 9, introduced by T. Woods
HB 11, introduced by J. Keane
HB 46, introduced by K. Dudik
HB 107, introduced by C. Glimm
HB 118, introduced by J. Windy Boy
HB 136, introduced by G. Custer
HB 473, introduced by F. Garner
HB 511, introduced by R. Cook
HB 550, introduced by J. Essmann
HB 572, introduced by A. Redfield
HB 589, introduced by D. Lenz
HB 597, introduced by A. Doane
HB 605, introduced by G. Hertz
HB 612, introduced by M. Hopkins
HB 623, introduced by K. White
HB 637, introduced by J. Knokey
HB 638, introduced by J. Knokey
HB 639, introduced by R. Cook
HB 642, introduced by B. Tschida
HB 649, introduced by V. Ricci
HB 650, introduced by R. Brodehl

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced and read first time:

SJ 23, introduced by F. Thomas, R. Ehli.

The following House bills were introduced and read first time:

HB 4, introduced by N. Ballance (by request of the Office of Budget and Program Planning).
HB 5, introduced by J. Keane (by request of the Office of Budget and Program Planning).
HB 6, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning).
HB 7, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning).
HB 9, introduced by T. Woods (by request of the Office of Budget and Program Planning).
HB 11, introduced by J. Keane (by request of the Department of Commerce and the Office of Budget and Program Planning).
HB 46, introduced by K. Dudik.
HB 107, introduced by C. Glimm (by request of the Water Policy Interim Committee).
HB 118, introduced by J. Windy Boy (by request of the State Administration and Veterans' Affairs Interim Committee).
HB 136, introduced by G. Custer (by request of the Public Employees' Retirement Board).
HB 473, introduced by F. Garner, L. Jones.
HB 511, introduced by R. Cook.
HB 550, introduced by J. Essmann.
HB 572, introduced by A. Redfield.
HB 589, introduced by D. Lenz, M. Caferro, R. Ehli, J. Karjala, K. Kelker, A. Olszewski, C. Smith.
HB 597, introduced by A. Doane, S. Berglee, Z. Brown, R. Ehli, A. Hertz, M. Hopkins, T. Jacobson, J. Knokey, K. McCarthy, D. Mortensen, J. Patelis, A. Rosendale, L. Sheldon-Galloway, J. Trebas.
HB 605, introduced by G. Hertz.
HB 612, introduced by M. Hopkins, A. Hertz, G. Hertz, Karjala, Knokey, A. Knudsen, Lynch, Skees, Trebas, and Tschida.
HB 623, introduced by K. White.
HB 637, introduced by J. Knokey.
HB 638, introduced by J. Knokey.
HB 639, introduced by R. Cook.
HB 642, introduced by B. Tschida.
HB 649, introduced by V. Ricci.
HB 650, introduced by R. Brodehl, K. Dudik, R. Lynch, R. Osmundson, J. Patelis, C. Wolken.

MOTIONS

Senator Phillips moved the Senate reconsider its action on **SB 363** which passed second reading the previous legislative day. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: MacDonald, Swandal.
Total 2

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator MacDonald present at this time.

SB 372 - Senator Moore moved **SB 372** do pass.

SB 372 - Senator Moore moved **SB 372**, second reading copy, be amended as follows:

1. Page 3, line 4.
Strike: "minimum filing"
Insert: "administrative"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

SB 372 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Senator Moore assumed the chair.

HB 97 - Senator Welborn moved **HB 97** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 99 - Senator Vincent moved **HB 99** be concurred in.

HB 99 - Senator Cohenour moved **HB 99**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Strike: "85-2-316, 85-2-319,"

2. Title, page 1, line 8.
Strike: "85-2-321,"
Following: "85-2-407,"
Insert: "AND"
Strike: "85-2-410, AND 85-2-427,"

3. Title, page 1, line 9.
Strike: "TERMINATION DATES"
Insert: "A TERMINATION DATE"

4. Page 7, line 21 through page 13, line 4.
Strike: section 3 through section 4 in their entirety
Renumber: subsequent sections

5. Page 14, line 19.
Strike: "prior"

6. Page 14, line 23 through page 15, line 13.
Strike: section 6 in its entirety
Renumber: subsequent sections

7. Page 26, line 25 through page 31, line 5.
Strike: section 11 through section 12 in their entirety
Renumber: subsequent sections

8. Page 31, line 7.
Strike: "(1) Except as provided in subsection (2), [this"
Insert: "[This"

9. Page 31, line 9.
Strike: subsection (2) in its entirety

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 99 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Gross, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 100 - Senator Keenan moved **HB 100** be concurred in.

HB 100 - Senator Keenan moved **HB 100**, second reading copy, be amended as follows:

1. Page 3, line 11 through line 13.
Strike: "the poll determines that" on line 11
Strike: "A" on page 3, line 11 through "~~rule or~~" on page 3, line 13
Insert: "the votes cast by each house in the poll finds that the adopted rule is contrary to the intent of the legislature, with a quorum of each house having voted, the"

2. Page 3, line 16.
Following: "legislature." on line 16
Strike: remainder of line 16 through line 17

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 100 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 140 - Senator Cohenour moved **HB 140** be concurred in.

HB 140 - Senator Cohenour moved **HB 140**, second reading copy, be amended as follows:

1. Page 2.
Following: line 25
Insert: "(8) For the purposes of this section, the percentage of the flow rate of the water rights affected by a decree is calculated by using all flow rates included in the decree regardless of the period of use."

Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel,

Vuckovich, Whitford, Wolken.
Total 22

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 140 - Thereupon, the Senate reverted to the original motion of Senator Cohenour which passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: MacDonald.
Total 1

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 324 - Senator Vincent moved **HB 324** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Smith F, Wolken.
Total 16

Paired: Swandal, Aye; Facey, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 333 - Senator Olszewski moved **HB 333** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

HB 334 - Senator C. Smith moved **HB 334** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Senator Swandal present at this time.

HB 348 - Senator R. Webb moved **HB 348** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 360 - Senator Vincent moved **HB 360** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 373 - Senator Gauthier moved consideration of **HB 373** be passed for the day. Without objection, so ordered.

HB 516 - Senator Malek moved **HB 516** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands,

Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Cohenour, Fielder, Kary, Olszewski, Regier, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 402 - Senator Facey moved **HB 402** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 404 - Senator R. Webb moved **HB 404** be concurred in. Motion **failed** as follows:

Yeas: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 24

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 404 - Senator Thomas moved **HB 404** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Swandal, Thomas, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 407 - Senator Keenan moved consideration of **HB 407** be passed for the day. Without objection, so ordered.

HB 427 - Senator Pomnichowski moved **HB 427** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 456 - Senator Hoven moved **HB 456** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 469 - Senator Olszewski moved **HB 469** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 482 - Senator Sands moved **HB 482** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 492 - Senator Gauthier moved **HB 492** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 495 - Senator Caferro moved **HB 495** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 507 - Senator R. Webb moved **HB 507** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 510 - Senator Sesso moved **HB 510** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 476 - Senator Sands moved **HB 476** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 426 - Senator R. Webb moved **HB 426** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533 - Senator D. Brown moved **HB 533** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Malek, McClafferty, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 537 - Senator Swandal moved **HB 537** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 45

Nays: Facey, Kary, MacDonald, Malek, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate **suspend rule S50-190** to allow **SB 372** to be placed on third reading this day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 330 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Blasdel, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Webb, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 passed as follows:

Yeas: Ankney, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Barrett, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Malek, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 346 failed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Welborn, Whitford, Wolken.
Total 24

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Facey, Fitzpatrick, Gauthier, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Fielder, Gross, Hinebauch, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sesso, Smith F, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Sands, Smith C, Vance, Vincent, Webb, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 374 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Hinebauch, Hinkle, Kary, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Gauthier, Hinebauch, Hinkle, Jones, Keenan, Moore, Olszewski, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Welborn, Whitford, Wolken, Mr.President.
Total 31

Nays: Barrett, Boland, Cohenour, Fitzpatrick, Gross, Hoven, Howard, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Regier, Salomon, Smith F, Vuckovich, Webb.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 376 passed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 377 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 49

Nays: Welborn.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sands moved to change her third-reading vote on **SB 366** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:00 a.m., Saturday, April 1, 2017, the

sixty-eighth legislative day. Motion carried.

Senate adjourned at 11:58 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 1, 2017 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Olszewski. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Jones and Vincent excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/1/2017
Correctly printed: **HB 97**, **HB 140**, **HB 324**, **HB 333**, **HB 334**, **HB 348**, **HB 360**, **HB 402**, **HB 426**, **HB 427**, **HB 456**, **HB 466**, **HB 469**, **HB 476**, **HB 482**, **HB 492**, **HB 495**, **HB 507**, **HB 510**, **HB 516**, **HB 523**, **HB 537**.
Correctly engrossed: **HB 2**.

MESSAGES FROM THE GOVERNOR

March 31, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 189** (SB 189), "AN ACT REVISING PROTEST PROCEDURES FOR CREATION OF A SPECIAL PURPOSE DISTRICT; REMOVING THE REQUIREMENT THAT A SPECIAL PURPOSE DISTRICT FORM SPECIFY THAT A PROPERTY OWNER'S LACK OF ACTION BE CONSTRUED AS SUPPORT FOR CREATION OF THE DISTRICT; CLARIFYING THAT ONLY FORMS RETURNED WITH SUPPORT FOR OR OPPOSITION AGAINST CREATION OF THE DISTRICT MAY BE USED IN DETERMINING SUFFICIENCY OF PROTEST; AND AMENDING SECTION 7-11-1008, MCA."

SB 189 changes the procedures used by local governments to create special purpose districts. Under current law, prior to a special district being created, property owners that will be assessed to pay for the proposed district must be given an opportunity to protest the creation of the special district. Local governments must send protest forms to all of the property owners in the district. If between 10 percent and 50 percent of the total number of property owners in the district protest the proposed special district, then the issue must be put to a referendum. If 50 percent or more of the property owners of the district protest, then the local government must cease action on the

proposed special district for at least 12 months. § 7-11-1008, MCA. The law as it now exists states that not returning a protest form is construed as consent to the formation of the special district. Further, protest forms that are returned that are not marked as either supporting or opposing the district, are counted as opposing the district.

SB 189 would change current law so that only protest forms filled out and returned as opposing the district would count as protest votes. This makes sense. However, the bill also changes the mechanics of how to measure the 10 percent and 50 percent thresholds for a referendum or a 12-month delay of activity. Under existing law, the 10 percent and 50 percent thresholds are calculated as a percentage of the *entire number* of assessed property owners in the district. Under SB 189, the percentage thresholds would be calculated as a percentage of just the *protest forms returned*. This means that a very small minority of protesting property holders could block the formation of a district. In my view, SB 189 upsets the careful balance in existing law between the views of the property holders that pay for such districts, and the needs of the district as a whole.

My amendments preserve the goal of SB 189 in counting only returned protest forms opposing a district as "protest votes," while maintaining the entire number of assessed property owners in the district as the basis for the 10 percent and 50 percent triggers for a referendum or to delay action.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 189
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
March 30, 2017 (4:23 pm)

1. Title, line 7.
Strike: "ONLY"

2. Page 1, line 30 through page 2, line 1,
Strike: "Failure" on page 1, line 30 through "only the" on page 2, line 1
Insert: "The"

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/31/2017

HB 133, introduced by N. McConnell
HB 576, introduced by J. Hamilton
HB 591, introduced by Z. Brown
HB 600, introduced by F. Garner
HB 602, introduced by B. Smith
HB 604, introduced by B. Harris
HB 614, introduced by R. Cook
HB 617, introduced by A. Olsen
HB 618, introduced by N. Ballance
HB 622, introduced by M. Cuffe
HB 631, introduced by Z. Brown
HB 633, introduced by J. Essmann
HB 644, introduced by W. Curdy
HB 647, introduced by D. Jones
HB 648, introduced by C. Glimm
HB 652, introduced by R. Cook
HB 653, introduced by M. Regier
HB 660, introduced by J. Eck

HB 595, introduced by D. Skees, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 3/31/2017

Yeas - 58
Nays - 42

HB 599, introduced by D. Skees, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 3/31/2017

Yeas - 59
Nays - 40

HB 626, introduced by R. Shaw, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 3/31/2017

Yeas - 64
Nays - 36

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 23, introduced by F. Thomas, R. Ehli, referred to Taxation.

The following House bills, previously introduced, were referred to committees:

HB 4, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 5, introduced by J. Keane (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 6, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 7, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 9, introduced by T. Woods (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 11, introduced by J. Keane (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 46, introduced by K. Dudik, referred to Judiciary.
HB 107, introduced by C. Glimm (by request of the Water Policy Interim Committee), referred to Natural Resources.
HB 118, introduced by J. Windy Boy (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 136, introduced by G. Custer (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 473, introduced by F. Garner, L. Jones, referred to Highways and Transportation.
HB 511, introduced by R. Cook, referred to Taxation.
HB 550, introduced by J. Essmann, referred to Taxation.
HB 572, introduced by A. Redfield, referred to Public Health, Welfare and Safety.
HB 589, introduced by D. Lenz, M. Caferro, R. Ehli, J. Karjala, K. Kelker, A. Olszewski, C. Smith, referred to Public Health, Welfare and Safety.
HB 597, introduced by A. Doane, S. Berglee, Z. Brown, R. Ehli, A. Hertz, M. Hopkins, T. Jacobson, J. Knokey, K. McCarthy, D. Mortensen, J. Patelis, A. Rosendale, L. Sheldon-Galloway, J. Trebas, referred to Natural Resources.
HB 605, introduced by G. Hertz, referred to Taxation.
HB 612, introduced by M. Hopkins, A. Hertz, G. Hertz, Karjala, Knokey, A. Knudsen, Lynch, Skees, Trebas, and Tschida, referred to Public Health, Welfare and Safety.
HB 623, introduced by K. White, referred to Fish and Game.
HB 637, introduced by J. Knokey, referred to Public Health, Welfare and Safety.
HB 638, introduced by J. Knokey, referred to Finance and Claims.
HB 639, introduced by R. Cook, referred to Finance and Claims.
HB 642, introduced by B. Tschida, referred to Finance and Claims.

HB 649, introduced by V. Ricci, referred to Public Health, Welfare and Safety.
HB 650, introduced by R. Brodehl, K. Dudik, R. Lynch, R. Osmundson, J. Patelis, C. Wolken, referred to Finance and Claims.

The following House bills were introduced and read first time:

HB 133, introduced by N. McConnell (by request of the Commission on Sentencing).
HB 576, introduced by J. Hamilton.
HB 591, introduced by Z. Brown.
HB 595, introduced by D. Skees.
HB 599, introduced by D. Skees, F. Anderson, N. Ballance, D. Bartel, B. Beard, S. Berglee, R. Brodehl, B. Brown, T. Burnett, R. Cook, M. Cuffe, G. Custer, A. Doane, R. Ehli, J. Essmann, R. Fitzgerald, K. Flynn, W. Galt, F. Garner, C. Glimm, E. Greef, B. Grubbs, S. Gunderson, B. Hamlett, B. Harris, A. Hertz, G. Hertz, K. Holmlund, M. Hopkins, D. Jones, J. Keane, J. Knokey, A. Knudsen, C. Knudsen, S. Lavin, D. Lenz, D. Loge, T. Manzella, W. McKamey, D. Mortensen, J. O'Hara, J. Patelis, A. Redfield, V. Ricci, A. Rosendale, W. Sales, R. Shaw, L. Sheldon-Galloway, S. Staffanson, J. Trebas, B. Tschida, B. Usher, S. Vinton, K. Wagoner, P. Webb, T. Welch, K. White, D. Zolnikov.
HB 600, introduced by F. Garner, B. Bennett, R. Cook, S. Lavin, M. MacDonald, D. Sands, N. Swandal.
HB 602, introduced by B. Smith, Bennett, Fern, Hamilton, Peppers, Rosendale, Stewart-Peregoy, and Woods.
HB 604, introduced by B. Harris, F. Anderson, D. Bartel, B. Bennett, M. Blasdel, R. Brodehl, Z. Brown, J. Essmann, S. Fitzpatrick, M. Funk, F. Garner, M. Hopkins, T. Jacobson, J. Karjala, K. Kelker, J. Knokey, S. Lavin, D. Lenz, K. McCarthy, N. McConnell, D. Mortensen, J. Patelis, G. Pierson, J. Price, V. Ricci, A. Rosendale, W. Sales, R. Shaw, L. Sheldon-Galloway, D. Skees, J. Small, S. Stewart-Peregoy, N. Swandal, B. Usher, S. Vinton, K. Wagoner, P. Webb, T. Welch, K. White.
HB 614, introduced by R. Cook, F. Anderson, D. Bartel, M. Blasdel, R. Brodehl, S. Fitzpatrick, W. Galt, G. Hertz, D. Jones, D. Kary, J. Patelis, R. Shaw, K. White.
HB 617, introduced by A. Olsen, R. Ehli, J. Fleming, B. Harris, J. Karjala, S. Malek, D. Salomon.
HB 618, introduced by N. Ballance.
HB 622, introduced by M. Cuffe, B. Keenan, M. Noland, A. Olszewski.
HB 626, introduced by R. Shaw, A. Knudsen, S. Sales.
HB 631, introduced by Z. Brown, A. Redfield, W. Sales.
HB 633, introduced by J. Essmann.
HB 644, introduced by W. Curdy.
HB 647, introduced by D. Jones.
HB 648, introduced by C. Glimm.
HB 652, introduced by R. Cook.
HB 653, introduced by M. Regier.
HB 660, introduced by J. Eck.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 97 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 140 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 324 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond,

Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 333 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 334 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 47

Nays: Whitford.
Total 1

Absent or not voting: None.

Total 0

Excused: Jones, Vincent.
Total 2

HB 348 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 360 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 402 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier,

Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 426 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 427 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 456 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 469 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 476 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas,

Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 482 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 492 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 495 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 507 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 510 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas,

Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 516 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 40

Nays: Fielder, Hinebauch, Hinkle, Kary, Regier, Smith C, Vance, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

HB 533 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Malek, McClafferty, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.

Total 2

HB 537 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 44

Nays: Facey, MacDonald, Malek, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: Jones, Vincent.
Total 2

ANNOUNCEMENTS

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m., Monday, April 3, 2017, the sixty-ninth legislative day. Motion carried.

Senate adjourned at 8:17 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 3, 2017 — State Capitol

Senate convened at 9:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Fielder, Gross, Swandal and Welborn excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/3/2017
Transmitted to the House: **HB 97**, **HB 140**, **HB 324**, **HB 333**, **HB 334**, **HB 348**, **HB 360**, **HB 402**, **HB 426**, **HB 427**, **HB 456**, **HB 469**, **HB 476**, **HB 482**, **HB 492**, **HB 495**, **HB 507**, **HB 510**, **HB 516**, **HB 533**, **HB 537**.

Senator Blasdel introduced the **Pages** for the coming week:
Hannah Johnson from Clancy, sponsored by Senator McClafferty
Lydia French from Plains, sponsored by Representative Brown
Myles Steinmetz from Havre, sponsored by Representative Bauchmeier

FIRST READING AND COMMITMENT OF BILLS

The following House bills, previously introduced, were referred to committees:

HB 133, introduced by N. McConnell (by request of the Commission on Sentencing), referred to Judiciary.
HB 576, introduced by J. Hamilton, referred to Legislative Administration.
HB 591, introduced by Z. Brown, referred to Finance and Claims.
HB 595, introduced by D. Skees, referred to Judiciary.
HB 599, introduced by D. Skees, F. Anderson, N. Ballance, D. Bartel, B. Beard, S. Berglee, R. Brodehl, B. Brown, T. Burnett, R. Cook, M. Cuffe, G. Custer, A. Doane, R. Ehli, J. Essmann, R. Fitzgerald, K. Flynn, W. Galt, F. Garner, C. Glimm, E. Greef, B. Grubbs, S. Gunderson, B. Hamlett, B. Harris, A. Hertz, G. Hertz, K. Holmlund, M. Hopkins, D. Jones, J. Keane, J. Knokey, A. Knudsen, C. Knudsen, S. Lavin, D. Lenz, D. Loge, T. Manzella, W. McKamey, D. Mortensen, J. O'Hara, J. Patelis, A. Redfield, V. Ricci, A. Rosendale, W. Sales, R. Shaw, L. Sheldon-Galloway, S. Staffanson, J. Trebas, B. Tschida, B. Usher, S. Vinton, K. Wagoner, P. Webb, T. Welch, K. White, D. Zolnikov, referred to State Administration.
HB 600, introduced by F. Garner, B. Bennett, R. Cook, S. Lavin, M. MacDonald, D. Sands, N. Swandal, referred to Judiciary.
HB 602, introduced by B. Smith, Bennett, Fern, Hamilton, Peppers, Rosendale, Stewart-Peregoy, and Woods, referred to Taxation.

HB 604, introduced by B. Harris, F. Anderson, D. Bartel, B. Bennett, M. Blasdel, R. Brodehl, Z. Brown, J. Essmann, S. Fitzpatrick, M. Funk, F. Garner, M. Hopkins, T. Jacobson, J. Karjala, K. Kelker, J. Knokey, S. Lavin, D. Lenz, K. McCarthy, N. McConnell, D. Mortensen, J. Patelis, G. Pierson, J. Price, V. Ricci, A. Rosendale, W. Sales, R. Shaw, L. Sheldon-Galloway, D. Skees, J. Small, S. Stewart-Peregoy, N. Swandal, B. Usher, S. Vinton, K. Wagoner, P. Webb, T. Welch, K. White, referred to Energy and Telecommunications.
HB 614, introduced by R. Cook, F. Anderson, D. Bartel, M. Blasdel, R. Brodehl, S. Fitzpatrick, W. Galt, G. Hertz, D. Jones, D. Kary, J. Patelis, R. Shaw, K. White, referred to Agriculture, Livestock and Irrigation.
HB 617, introduced by A. Olsen, R. Ehli, J. Fleming, B. Harris, J. Karjala, S. Malek, D. Salomon, referred to Public Health, Welfare and Safety.
HB 618, introduced by N. Ballance, referred to Public Health, Welfare and Safety.
HB 622, introduced by M. Cuffe, B. Keenan, M. Noland, A. Olszewski, referred to Natural Resources.
HB 626, introduced by R. Shaw, A. Knudsen, S. Sales, referred to State Administration.
HB 631, introduced by Z. Brown, A. Redfield, W. Sales, referred to Education and Cultural Resources.
HB 633, introduced by J. Essmann, referred to Energy and Telecommunications.
HB 644, introduced by W. Curdy, referred to Natural Resources.
HB 647, introduced by D. Jones, referred to Finance and Claims.
HB 648, introduced by C. Glimm, referred to Finance and Claims.
HB 652, introduced by R. Cook, referred to Finance and Claims.
HB 653, introduced by M. Regier, referred to Business, Labor, and Economic Affairs.
HB 660, introduced by J. Eck, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator L. Jones moved **HB 2** be concurred in. Senator Jones made opening comments, gave an overview of the bill, and explained the process for presentation of **HB 2**. Senate majority and minority vice-chairs will each make comments as each section is heard.

Senator Lang excused at this time.

Global Amendments

HB 2 - Senator Jones moved **HB 2**, second reading copy, be amended with **amendment O001**

as follows:

1. Page A-2, line 3: Consumer Counsel.
Strike: "1,481,008" [State Special Fund FY 18]
Insert: "1,480,938" [State Special Fund FY 18]

2. Page A-8, line 10: Department of Commerce.
Strike: "1,895,260 1,892,503" [State Special Fund FY 18 FY 19]
Insert: "1,894,544 1,891,919" [State Special Fund FY 18 FY1 9]

Strike: "798,603 798,555" [Federal Special Fund FY 18 FY 19]
Insert: "798,583 798,539" [Federal Special Fund FY 18 FY 19]

3. Page A-12, line 4: Department of Military Affairs.
Strike: "707,356 709,539" [State Special Fund FY 18 FY 19]
Insert: "707,348 709,532" [State Special Fund FY 18 FY 19]

4. Page C-1, line 14: Department of Fish, Wildlife & Parks.
Strike: "2,428,196" [Federal Special Fund FY 19]
Insert: "2,428,157" [Federal Special Fund FY 19]

5. Page C-4, line 27: Department of Transportation.
Strike: "60,632,584" [State Special Fund FY 19]
Insert: "60,635,584" [State Special Fund FY 19]

6. Page C-5, line 16: Department of Transportation.
Strike: "25,634,524" [Federal Special Fund FY 18]
Insert: "25,580,524" [Federal Special Fund FY 18]

7. Page C-8, line 11: Department of Natural Resources & Conservation.
Following: "Liaison"
Insert: "(OTO)"

8. Page E-6, line 27: Commissioner of Higher Education.
Strike: "12,825,234 12,855,776" [General Fund FY18 FY19]
Insert: "12,805,074 12,885,883" [General Fund FY18 FY19]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Lang, Swandal, Welborn.
Total 5

SECTION A. Local Government

Senator Moore acknowledged and thanked fellow committee members and staff then reviewed the budgets of agencies in Section A: Legislative Branch, Consumer Counsel, Governor's Office, Secretary of State, Commissioner of Political Practices, State Auditor's Office, Department of Revenue, Department of Administration, Department of Commerce, Department of Labor and Industry, and Department of Military Affairs.

Senator McNally also thanked fellow committee members and staff, and provided comments.

Senator Lang present at this time.

HB 2 - Senator Lang moved **HB 2**, second reading copy, be amended with **amendment A002** as follows:

1. Page A-10, line 1: Department of Labor & Industry.
Strike: "12,069,834 12,072,865" [State Special Fund FY18 FY19]
Insert: "11,185,700 11,188,764" [State Special Fund FY18 FY19]
Following: line 1
Insert: "a. HELP Act Workforce Development (Restricted)"
Insert: "884,134 884,101" [State Special Fund FY18 FY19]

2. Page A-10: Department of Labor & Industry.
Following: line 21
Insert: "HELP Act Workforce Development is restricted to workforce activities as passed in the Health and Economic Livelihood Partnership (HELP) Act by the 2015 legislature."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Swandal, Welborn.
Total 4

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended with **amendment A003** as follows:

1. Page A-10, line 1: Department of Labor & Industry.
Strike: "12,072,865" [State Special Fund FY19]
Insert: "12,184,609" [State Special Fund FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Swandal, Welborn.
Total 4

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with **amendment A004** as follows:

1. Page A-7:Department of Administration.
Following: line 1
Insert: "c. ISP Contract Restriction Implementation (Restricted/Biennial/OTO)"
Insert: "7,500 7,500" [General Fund FY 18 FY 19]

2. Page A-8:Department of Administration.
Following: line 2
Insert: "ISP Contract Restriction Implementation is contingent on passage and approval of SB 95 containing a provision prohibiting a telecommunications or internet service provider

from collecting a customer's personal information without the customer's consent."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Swandal, Welborn.
Total 4

HB 2 - Senator Lang moved **HB 2**, second reading copy, be amended with **amendment A005** as follows:

1. Page A-9, line 4: Department of Commerce.
Strike: "1,317,993 1,323,204" [State Special Fund FY18 FY19]
Insert: "926,451 930,211" [State Special Fund FY18 FY19]
Following: line 12
Insert: "e. Quality Schools (Restricted/OTO)"
Insert: "100,000 100,000" [State Special Fund FY18 FY19]

2. Page A-9: Department of Commerce.
Following: line 23
Insert: "If SB 307 is passed and approved and neither SB 367 nor HB 645 are passed and approved with funds for quality schools facility program grants, Quality Schools is void."

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Swandal, Welborn.
Total 4

HB 2 - Senator Salomon moved **HB 2**, second reading copy, be amended with **amendment A006** as follows:

1. Page A-8: Department of Commerce.
Following: line 16
Insert: "d. Montana Food and Agriculture Development (Restricted)"
Insert: "105,000 105,000" [State Special Fund FY 18 FY 19]
Renumber: subsequent subsections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 25

Nays: Blasdel, Brown, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Swandal, Welborn.
Total 4

Senator Moore moved to **close Section A**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Swandal, Welborn.
Total 4

Majority Leader Thomas moved the Senate recess to prepare for Section B. Without objection, so ordered. The Senate recessed at 9:50 a.m. and reconvened at 10:25 a.m., Senator Blasdel in the chair.

Senator Swandal present at this time.

SECTION B. Health and Human Services

Senator Keenan acknowledged and thanked fellow committee members and staff then reviewed the budget of the Department of Health and Human Services.

Senator Caferro also thanked committee members and staff, members of the public who provided input, and provided comments.

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended with **amendment B017** as follows:

1. Page B-4: Department of Public Health and Human Services.
Following: line 1
Insert: "The department is appropriated an additional $450,000 of state special revenue authority each year of the biennium contingent upon the recovery of an amount greater than $450,000 each year as a result of audits identifying fraud, waste, and abuse and documented recovery of those funds."

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.
Total 24

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Hinebauch, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vincent, Vuckovich, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended with **amendment B004** as follows:

1. Page B-1: Department of Public Health and Human Services.
Following: line 21
Insert: "a. Boulder Development Fund" [General Fund FY18]

Insert: "500,000" [General Fund FY18]

Amendment **not adopted** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 23

Nays: Blasdel, Brown, Buttrey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended with **amendment B023** as follows:

1. Page B-2, line 21: Department of Public Health and Human Services.
Strike: " 159,687,397 167,700,582" [General Fund FY 18 FY 19]
Insert: " 159,437,397 167,450,582"[General Fund FY 18 FY 19]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Sands moved **HB 2**, second reading copy, be amended with **amendment B016** as follows:

1. Page B-2, line 21: Department of Public Health and Human Services.
Strike: " 72,070,824 71,724,801"[State Special Fund FY 18 FY 19]
Insert: " 72,073,696 71,733,315"[State Special Fund FY 18 FY 19]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Boland, Brown, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 35

Nays: Blasdel, Buttrey, Hinebauch, Hinkle, Howard, Kary, Osmundson, Regier, Smith C, Vance, Vincent, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator R. Webb moved **HB 2**, second reading copy, be amended **with amendment B020** as follows:

1. Page B-1, line 18: Department of Public Health and Human Services.
Strike: "2,785,092 2,790,333" [State Special Fund FY18 FY19]
Insert: "3,035,092 3,040,333" [State Special Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Caferro, Hoven, Keenan, McNally, Olszewski, Pomnichowski, Richmond, Sands, Webb, Whitford, Wolken.

Total 11

Nays: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, Moore, Osmundson, Phillips, Regier, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Mr.President.
Total 36

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Facey moved **HB 2**, second reading copy, be amended with **amendment B022** as follows:

1. Page B-1, line 8: Department of Public Health and Human Services.
Strike: "291,270,947 291,313,435 " [Federal Special Fund FY18 FY19]
Insert: "291,330,947 291,373,435" [Federal Special Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Hoven, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 21

Nays: Ankney, Blasdel, Brown, Buttrey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended with **amendment B015** as follows:

1. Page B-3, line 5: Department of Public Health and Human Services.
Strike: "32,183,387 32,225,325"[State Special Fund FY 18 FY 19]
Insert: "32,588,387 32,630,325"[State Special Fund FY 18 FY 19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Hoven, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Sands moved **HB 2**, second reading copy, be amended with **amendment B014** as follows:

1. Page B-3, line 5: Department of Public Health and Human Services.
Strike: "74,698,602 76,564,947" [General Fund FY 18 FY 19]
Insert: "75,448,602 77,314,947" [General Fund FY 18 FY 19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Webb, Whitford, Wolken.
Total 22

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Thomas, Vance, Vincent, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Cohenour moved **HB 2**, second reading copy, be amended with **amendment B009** as follows:

1. Page B-3, line 5: Department of Public Health and Human Services.
Strike: "74,698,602 76,564,947" [General Fund FY18 FY19]
Insert: "74,818,602 76,684,947" [General Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended with **amendment B011** as follows:

1. Page B-1, line 11: Department of Public Health and Human Services.
Strike: "42,316,476 42,359,893" [General Fund FY18 FY19]
Insert: "42,632,420 42,675,837" [General Fund FY18 FY19]
Strike: "30,992,388 31,014,594" [Federal Special Fund FY18 FY19]
Insert: "31,124,528 31,146,734" [Federal Special Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended with **amendment B010** as follows:

1. Page B-1, line 11: Department of Public Health and Human Services.
Strike: "42,316,476 42,359,893" [General Fund FY18 FY19]
Insert: "42,653,639 42,697,901" [General Fund FY18 FY19]
Strike: "30,992,388 31,014,594" [Federal Special Fund FY18 FY19]
Insert: "31,146,662 31,169,256" [Federal Special Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

HB 2 - Senator Boland moved **HB 2**, second reading copy, be amended with **amendment B007** as follows:

1. Page B-1, line 11: Department of Public Health and Human Services.
Strike: "42,316,476 42,359,893" [General Fund FY18 FY19]
Insert: "43,411,476 43,454,893" [General Fund FY18 FY19]
Strike: "30,992,388 31,014,594" [Federal Special Fund FY18 FY19]
Insert: "31,192,388 31,214,594" [Federal Special Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.
Total 20

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: Fielder, Gross, Welborn.
Total 3

Senator Fielder present at this time.

HB 2 - Senator Boland moved **HB 2**, second reading copy, be amended with **amendment B006** as follows:

1. Page B-1, line 11: Department of Public Health and Human Services.
Strike: "42,316,476 42,359,893" [General Fund FY18 FY19]
Insert: "42,863,976 42,907,393" [General Fund FY18 FY19]
Strike: "30,992,388 31,014,594" [Federal Special Fund FY18 FY19]
Insert: "31,092,388 31,114,594" [Federal Special Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: Gross, Welborn.
Total 2

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended with **amendment B024** as follows:

1. Page B-2, line 14: Department of Public Health and Human Services.
Strike: "76,614,646 79,662,794" [General Fund FY18 FY19]
Insert: "77,671,630 82,851,859" [General Fund FY18 FY19]

Strike: "204,938,536 207,922,711" [Federal Special Fund FY18 FY19]
Insert: "206,938,627 213,945,271" [Federal Special Fund FY18 FY19]

2. Page B-3, line 5: Department of Public Health and Human Services.
Strike: "74,698,602 76,564,947" [General Fund FY18 FY19]
Insert: "75,749,179 78,865,904" [General Fund FY18 FY19]
Strike: "195,288,199 198,930,210" [Federal Special Fund FY18 FY19]
Insert: "196,870,481 203,694,344" [Federal Special Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: Gross, Welborn.
Total 2

HB 2 - Senator Moore moved **HB 2**, second reading copy, be amended with **amendment B003** as follows:

1. Page B-3, line 8: Department of Public Health and Human Services.
Strike: "19,608,208 19,595,736"[State Special Fund FY 18 FY 19]
Insert: "19,108,208 19,095,736"[State Special Fund FY 18 FY 19]

2. Page B-1: Department of Public Health and Human Services.
Following: line 21
Insert: "a. Suicide Prevention (Restricted/Biennial)"
Insert: "500,000 500,000"[State Special Fund FY 18 FY 19]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross, Welborn.
Total 2

Senator Keenan moved to **close Section B**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Wolken, Mr.President.
Total 39

Nays: Cohenour, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Smith F, Vuckovich, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: Gross, Welborn.
Total 2

Majority Leader Thomas moved the committee recess until 1:00 p.m. Without objection, so ordered. Senate recessed at 12:05 p.m. and reconvened at 1:00 p.m., Senator Blasdel in the chair.

Senator Welborn present at this time.

Section C. Natural Resources and Transportation

Senator Ankney acknowledged and thanked fellow committee members and staff then reviewed the budgets of agencies in Section C: Fish, Wildlife and Parks, Department of Environmental Quality, Department of Transportation, Department of Livestock, Department of Natural Resources and Conservation, and Department of Agriculture.

Senator Phillips also thanked fellow committee members and staff, and provided comments.

HB 2 - Senator Ankney moved **HB 2**, second reading copy, be amended with **amendment C005** as follows:

1. Page C-1, line 17: Department of Fish, Wildlife & Parks.
Strike: "14,533,959 14,555,843" [State Special Fund FY18 & FY19]
Insert: "14,473,852 14,615,908" [State Special Fund FY18 & FY19]

2. Page C-1, line 26: Department of Fish, Wildlife & Parks.
Strike: "183,931 184,684" [Federal Special Fund FY18 & FY19]

Insert: "171,219 171,983" [Federal Special Fund FY18 & FY19]

3. Page C-2, line 6: Department of Fish, Wildlife & Parks.
Strike: "13,291,128 13,330,532" [State Special Fund FY18 & FY19]
Insert: "13,215,267 13,254,721" [State Special Fund FY18 & FY19]

4. Page C-2, line 11: Department of Fish, Wildlife & Parks.

Strike: "7,777,553 7,806,392" [State Special Fund FY18 & FY19]
Insert: "7,793,636 7,814,998" [State Special Fund FY18 & FY19]
Strike: "270,276 273,150" [Federal Special Fund FY18 & FY19]
Insert: "243,026 243,427" [Federal Special Fund FY18 & FY19]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment C007** as follows:

1. Page C-1, line 14: Department of Fish, Wildlife & Parks.
Strike: "9,264,140 9,298,188" [State Special Fund FY18 & FY 19]
Insert: "10,866,755 10,905,537" [State Special Fund FY18 & FY 19]
Strike: "2,420,543 2,428,196" [Federal Special Fund FY18 & FY 19]
Insert: "817,928 920,847" [Federal Special Fund FY18 & FY 19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment C001** as follows:

1. Page C-2: Department of Fish, Wildlife & Parks.
Strike: line 19 through line 21

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment C008** as follows:

1. Page C-2, line 19: Department of Fish, Wildlife & Parks.
Strike: "and Communication and Education Divisions"
Insert: "Division"

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment C002** as follows:

1. Page C-5, line 16: Department of Transportation.
Strike: "10,282,489" [State Special Fund FY 18]
Insert: "8,282,489" [State Special Fund FY 18]

2. Page C-5, line 23 through line 24: Department of Transportation.
Strike: line 23 through line 24 in their entirety

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Lang, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Smith F, Vincent, Vuckovich, Wolken, Mr.President.
Total 17

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch,

Hinkle, Hoven, Howard, Jones, Kary, Keenan, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Whitford.
Total 32

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment C009** as follows:

1. Page C-7, line 14: Department of Natural Resources & Conservation.
Strike: "1,616,402 1,619,903" [General Fund FY18 & FY 19]
Insert: "1,716,402 1,719,903" [General Fund FY18 & FY 19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 - Senator Phillips moved **HB 2**, second reading copy, be amended with **amendment C006** as follows:

1. Page C-2: Department of Fish, Wildlife & Parks.
Following: line 3
Insert: "a. Public Lands Communication and Education Initiative (Biennial) 50,000 50,000" [General Fund FY18 & FY19]

Senator Fielder disclosed she is a volunteer for a national organization concerned with federal public lands.

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 - Senator Moore moved **HB 2**, second reading copy, be amended with **amendment C010** as follows:

1. Page C-4, line 17: Department of Environmental Quality.
Following: "SPECIAL AUTHORITY"
Strike: "IF REVENUE IS AVAILABLE"
Following: "."
Insert: "This authority may be used only if revenue collected by the department for a single permit exceeds $250,000 or revenue collected by the department for permits issued pursuant to the same permitting authority exceeds $250,000 within a single 6-month period. The amount of authority to be used is the same as the amount collected."

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Barrett, MacDonald, Smith F.
Total 3

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senator Brown requested a brief recess to deal with an erroneous amendment. Senate recessed at 1:48 and reconvened at 1:57.

HB 2 - Senator D. Brown moved **HB 2**, second reading copy, be amended with **amendment C013** as follows:

1. Page C-5, line 5: Department of Transportation.
Strike: "125,470,807 126,383,566" [State Special Fund FY18 FY19]
Insert: "125,189,508 126,102,179" [State Special Fund FY18 FY 19]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Smith F, Vuckovich.
Total 2

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senator Ankney moved to **close Section C**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Pomnichowski, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senate recessed at 2:03 p.m. to prepare for Section D. Senate reconvened at 2:20 p.m., Senator Blasdel in the chair.

SECTION D. Judicial Branch, Law Enforcement and Justice

Senator Osmundson acknowledged and thanked fellow committee members and staff then reviewed the budgets of agencies in Section D: Judicial Branch, Department of Justice, Public Service Commission, Office of Public Defender, and Department of Corrections.

Senator Wolken also thanked fellow committee members and staff, and provided comments.

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with **amendment D003** as follows:

1. Page D-1: Judiciary.

Following: line 13
Insert: "e. Sentencing Commission and Senate Bill 59 (Biennial/OTO)"
Insert: "780,000 780,000" [General Fund FY18 FY19]

2. Page D-2:.
Following: line 6
Insert: "Funding for the Sentencing Commission and Senate Bill 59 in the amount of $780,000 general fund each year of the biennium is contingent upon the passage and approval of Senate Bill No. 59 and House Bill No. 650."

3. Page D-2.
Strike: line 12 and line 13
Following: line 13

4. Page D-2.
Strike: line 23 and line 24

5. Page D-2, line 26: Crime Control Division.
Following: "65"
Insert: "and House Bill No. 650."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senator Osmundson moved to **close Section D**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senate recessed at 2:30 p.m. to prepare for Section E. Senate reconvened at 2:40 p.m., Senator Blasdel in the chair.

SECTION E. Education

Senator Jones acknowledged and thanked fellow committee members and staff then reviewed the budgets of agencies in Section E: Office of Public Instruction, Board of Education, Montana School for the Deaf and Blind, Montana Arts Council, Montana State Library, Montana Historical

Society, the University System, and the Commissioner of Higher Education.

Senator Whitford also thanked fellow committee members and staff, and provided comments.

Senate recessed at 2:55 p.m. for committee hearings. Senate reconvened at 3:50 p.m., Senator Blasdel in the chair.

Senator Olszewski absent at this time.

HB 2 - Senator McClafferty moved **HB 2**, second reading copy, be amended with **amendment E002** as follows:

1. Page E-2: Office of Public Instruction.
Following: line 20
Insert: "p. Montana Preschool Grant Program (Restricted/Biennial)"
Insert: "6,000,000 6,000,000" [General Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Absent or not voting: None.
Total 0

Excused: Gross, Olszewski.
Total 2

HB 2 - Senator Wolken moved **HB 2**, second reading copy, be amended with **amendment E003** as follows:

1. Page E-7: Commissioner of Higher Education.
Following: line 13
Insert: "c. Montana University System (Restricted/OTO)"
Insert: "4,000,000 4,000,000" [General Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: Gross, Olszewski.
Total 2

Senator Olszewski present at this time.

HB 2 - Senator Whitford moved **HB 2**, second reading copy, be amended with **amendment E004** as follows:

1. Page E-2: Office of Public Instruction.
Following: line 20
Insert: "p. Indian Language Immersion Program (Restricted/Biennial)"
Insert: "38,500 38,500" [General Fund FY18 FY19]

Amendment **not adopted** as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 22

Nays: Blasdel, Brown, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Paired: Gross, Aye; Osmundson, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jones moved to **close Section E**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 35

Nays: Barrett, Boland, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Section C. Natural Resources and Transportation

Senator Ankney moved to **reopen Section C** for the purpose of a technical amendment. Without objection, so ordered.

HB 2 - Senator Ankney moved **HB 2**, second reading copy, be amended with **amendment C014** as follows:

1. Page C-1, line 17: Department of Fish, Wildlife & Parks.
Strike: "14,555,843" [State Special Fund FY19]
Insert: "14,435,713" [State Special Fund FY19]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senator Ankney moved to **close Section C**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SECTION D. Judicial Branch, Law Enforcement and Justice

Senator Osmundson moved to **reopen Section D** for the purpose of a technical amendment. Without objection, so ordered.

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with **amendment D006** as follows:

1. Page D-2: Crime Control Division.
Strike: line 14
Insert: "Sentencing Commission and Senate Bill 65 (Biennial/OTO)"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senator Osmundson moved to **close Section D**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Senate recessed at 4:35 p.m. and reconvened at 4:53 p.m. Senator Blasdel in the chair.

HB 2 - **Bill, as amended, concurred in as follows::**

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fitzpatrick, Gauthier, Hoven, Howard, Jones, Kary, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Swandal, Tempel, Thomas, Welborn, Whitford.
Total 29

Nays: Barrett, Caferro, Cohenour, Fielder, Hinebauch, Hinkle, Keenan, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Smith C, Smith F, Vance, Vincent, Vuckovich, Webb, Wolken, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Caferro, Cohenour, Keenan, Pomnichowski, Sands, Smith F, Vuckovich.
Total 7

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:00 a.m., Tuesday, April 4, 2017, the seventieth legislative day. Motion carried.

Senate adjourned at 5:13 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 4, 2017 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Caferro. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Gross and Swandal excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/4/2017
Correctly engrossed: **HB 2**, **HB 368**, **HB 424**, **HJ 9**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 4/3/2017
HB 368, be amended as follows:

1. Page 1, line 12.
Strike: "(1)"

2. Page 1, line 15 through line 23.
Strike: subsection (2) through subsection (3) in their entirety

3. Page 3.
Following: line 1
Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If both Senate Bill No. 337 and [this act] are passed and approved, then [section 2 of this act] is void."

And, as amended, be concurred in.

HB 424, be amended as follows:

1. Page 3.
Following: line 20
Insert: "(4) A grant or loan may not be awarded to a project that affects source watersheds or soil and range health if the project would reduce, restrict, or prohibit any lawful access to the property that existed prior to the project's implementation. This subsection does not apply to access that is temporarily created, granted, or reduced due to project operations."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 3, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Sales and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 264** (SB 264), "AN ACT REVISING RULEMAKING AUTHORITY FOR REPORTING REQUIRED BY THE BOARD OF OUTFITTERS; AMENDING SECTION 37-47-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 264 revises rulemaking authority for reporting required by the Montana Board of Outfitters (MBO). It limits reporting by outfitters to only information related to professional licensing, and would preclude reporting of information that is important to the state, hunters and anglers, and the people of Montana--information like acreage leased by outfitters, general locations where outfitters are providing services to hunters and anglers, and harvest rates. The bill eliminates reporting requirements that I added to law via amendatory veto of House Bill 274 (HB 274) in 2013, as well as the rules that the MBO implemented to gather additional data.

As I stated in my 2013 amendatory veto letter concerning HB 274: "Accurate, credible data indicating where licensed outfitters operate is essential to helping the public, FWP, and the Montana Board of Outfitters (MBO) in various respects." This includes allowing the Board of Outfitters and the Montana and the Montana Department of Fish, Wildlife and Parks to "provide high quality data, rather than anecdotal assumptions, when public policy issues arise regarding how both outfitted and non-outfitted hunting may interact to affect game management, season setting, access to public land, public hunting opportunities, and other resources." Because the commercial activities of licensed outfitters depend upon the use of public wildlife resources as regulated by the department and the Montana Fish and Wildlife Commission, the importance of this type of information remains just as relevant today. If SB 264 were to become law, the MBO would be prohibited from collecting this information.

For these reasons, I veto SB 264.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/3/2017

HB 22, introduced by J. Keane
HB 45, introduced by K. Dudik
HB 83, introduced by B. Bennett
HB 101, introduced by W. McKamey
HB 103, introduced by G. Custer
HB 128, introduced by R. Shaw
HB 147, introduced by D. Zolnikov
HB 149, introduced by D. Zolnikov
HB 168, introduced by Z. Brown
HB 539, introduced by R. Cook

Senate bills concurred in and returned to the Senate: 4/3/2017

SB 180, introduced by M. Lang
SB 184, introduced by F. Moore

House failed to concur in Senate amendments: 4/3/2017

HB 98, introduced by J. Ellis
HB 145, introduced by Z. Brown
HB 280, introduced by R. Brodehl

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 58, introduced by D. Ankney, referred to Energy and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 24, introduced by D. Sands, W. Curdy, R. Ehli, B. Hoven, M. Lang, M. MacDonald, N. McConnell, D. Salomon, referred to Agriculture, Livestock and Irrigation.

Senator Swandal present at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 99 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 100 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

HB 2 concurred in as follows:

Yeas: Ankney, Blasdel, Boland, Buttrey, Connell, Facey, Fitzpatrick, Gauthier, Hoven, Howard, Jones, Kary, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Swandal, Tempel, Thomas, Webb, Welborn, Whitford.
Total 29

Nays: Barrett, Brown, Caferro, Cohenour, Fielder, Hinebauch, Hinkle, Keenan, MacDonald, Malek, McNally, Pomnichowski, Sands, Smith C, Smith F, Vance, Vincent, Vuckovich, Wolken, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: Gross.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Thomas moved consideration of **HB 487**and **HB 185** be placed at the bottom of the second reading board. Without objection, so ordered.

Without objection, Chair Kary placed consideration of **HB 283** at the bottom of the second reading board.

Senators Salomon and Swandal excused at this time.

HB 373 - Senator Gauthier moved **HB 373** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 40

Nays: Fielder, Hinkle, Howard, Regier, Vance, Vincent, Mr.President.
Total 7

Absent or not voting: None.

Total 0

Excused: Gross, Salomon, Swandal.
Total 3

Senator Vance excused at this time.

HB 255 - Senator Thomas moved **HB 255** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Paired: Swandal, Aye; Facey, No.

Absent or not voting: None.
Total 0

Excused: Gross, Salomon, Vance.
Total 3

HB 407 - Senator Keenan moved **HB 407** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Pomnichowski, Smith F, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

Excused: Gross, Salomon, Swandal, Vance.
Total 4

Senator Moore excused at this time.

Senator Gross present at this time.

HB 37 - Senator Whitford moved **HB 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Webb, Mr.President.
Total 14

Paired: Gross, Aye; , Mr.President, No.

Absent or not voting: None.
Total 0

Excused: Moore, Salomon, Swandal, Vance.
Total 4

HB 228 - Senator Vincent moved **HB 228** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 37

Nays: Fielder, Hinebauch, Hinkle, Howard, Keenan, Pomnichowski, Regier, Smith C, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: Moore, Salomon, Swandal, Vance.
Total 4

SR 4 - Senator Howard moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 4**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Brown, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: Moore, Salomon, Swandal, Vance.
Total 4

Senator Fitzpatrick excused at this time.

Senator Vance present at this time.

SB 143 - **House Amendments** - Senator Lang moved House amendments to **SB 143** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Cohenour, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.
Total 4

Majority Leader Thomas moved consideration of **HB 487** and **HB 185** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Osmundson assumed the chair.

HB 283 - Senator Kary moved **HB 283** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Boland, Cohenour, Facey, Gross, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.
Total 4

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.
Total 4

MOTIONS

Majority Leader Thomas moved the President be authorized to appoint a Free Conference Committee on **SB 143** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/4/2017
Senator Lang, Chair
Senator Osmundson
Senator F. Smith

Majority Leader Thomas moved that **HB 228**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to **suspend joint rule 40-50** to allow for the late introduction of a resolution commemorating the commissioning of the submarine Montana. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Fitzpatrick, Moore, Salomon, Swandal.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Motion carried. Senate recessed at 8:55 a.m.

Senate reconvened at 1:00 p.m. President Sales presiding. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/4/2017
HB 141, be amended as follows:

1. Title, page 1, line 7.
Following: "ANTICOMPETITIVE;"
Insert: "PROVIDING FOR LEGISLATIVE REVIEW AND AUTHORITY;"

2. Page 3, line 7 through line 8.
Strike: "<u>The</u>" on line 7

Insert: "Subject to the provisions of [section 4(6)], the"
Strike: "approve" on line 7 through "determines that" on line 8
Insert: "determine if"

3. Page 3, line 9.
Strike: "that"
Insert: "if"

4. Page 5, line 4.
Strike: "Except" through "before"
Insert: "Before"

5. Page 5, line 6.
Following: "board"
Insert: "and the economic affairs interim committee"

6. Page 6.
Following: line 6
Insert: "(6) (a) After the economic affairs interim committee is notified of the commissioner's decision to issue a written determination or redetermination, the committee shall notify the commissioner if the committee plans to provide an opportunity for public comment on the commissioner's action at the next committee meeting.

(b) The commissioner shall notify the economic affairs interim committee of a final determination under this section. The committee shall follow the procedures in Title 2, chapter 4, if the committee decides to conduct a review. A final determination of the commissioner may be suspended as provided in 2-4-305(9) whether the determination is for a rule or for another board action.
And, as amended, be concurred in..

HB 428, be concurred in.
HB 462, be amended as follows:

1. Page 1, line 10.
Following: "**exception**"
Insert: "-- Flathead community college"

2. Page 1, line 11.
Strike: "A unit of the Montana university system or a"
Insert: "Flathead"

3. Page 1, line 14.
Following: "EXCEPT THAT"
Insert: "beer produced may be taken off the premises only for participation in national or regional tasting competetions and"

4. Page 1, line 18.
Following: "OPERATES IN"
Strike: "a"
Insert: "an on-campus"

5. Page 1, line 19.
Strike: "Montana university system unit or"

6. Page 1, line 20.
Strike: "the unit of the university system or the"
Insert: "Flathead"

7. Page 1, line 23.
Strike: "the applicant"
Insert: "Flathead community college"

8. Page 1, line 24 through line 25.
Strike: "or the board" on line 24 through "as applicable" on line 25

9. Page 1, line 30.
Strike: "16-4-401(2)(a)"
Insert: "16-4-401(4)(a)"

10. Page 2, line 1.
Strike: "the Montana university system or"
Insert: "Flathead"

And, as amended, be concurred in.

HB 474, be amended as follows:

1. Title, page 1, line 6.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

2. Page 1, line 29.
Following: "business day."
Insert: "Liquor provided under this subsection (3)(a) must contain at least 90% liquor that is distilled on the premises. For purposes of this section, "distilled on the premises" means the liquor was not previously distilled off premises by any entity, in any way, and at any time. The term is meant to exclude distilled liquor purchased by the distiller and redistilled or otherwise altered by the distiller on premises."

3. Page 2, line 5.
Strike: " on passage and approval"

Insert: "January 1, 2019"

And, as amended, be concurred in.

HB 541, be amended as follows:

1. Title, page 1, line 6.
Strike: "COMPANIES"
Insert: "MANUFACTURERS"

2. Title, page 1, line 7.
Following: "PRODUCTION;"
Insert: "REVISING TAXES IMPOSED ON PRODUCTION BY BREWERS;"

3. Title, page 1, line 8.
Strike: "SECTION"
Insert: "SECTIONS 16-1-406,"
Following: "16-3-213,"
Insert: "AND 16-4-501,"

4. Page 1, line 11.
Following: line 10
Insert: "Section 1. Section 16-1-406, MCA, is amended to read:

"16-1-406. Taxes on beer. (1) (a) A tax is imposed on each barrel of 31 gallons of beer sold in Montana by a wholesaler. A barrel of beer equals 31 gallons. The tax is based upon the total number of barrels of beer produced by a brewer in a year. A brewer who produces less than ~~20,000~~ 10,000 barrels of beer a year is taxed on the following increments of production:

(i) up to 5,000 barrels, $1.30;

(ii) 5,001 barrels to 10,000 barrels, $2.30~~; and~~

~~(iii) 10,001 barrels to 20,000 barrels, $3.30~~.

(b) The tax on beer sold for a brewer who produces over ~~20,000~~ 10,000 barrels is $4.30.

(2) The tax imposed pursuant to subsection (1) is due at the end of each month from the wholesaler upon beer sold by the wholesaler during that month. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

(3) Each quarter, in accordance with the provisions of 17-2-124, of the tax collected pursuant to subsection (1), an amount equal to:

(a) 23.26% must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency; and

(b) the balance must be deposited in the state general fund.""
Renumber: subsequent sections

5. Page 1, line 19.

Strike: "60,000"
Insert: "12,000"

6. Page 1, line 20 through line 21.
Strike: "companies" on line 20 through "1504(a)" on line 21
Insert: "manufacturers"

7. Page 1, line 27.
Following: line 26
Insert: "(3) For the purposes of this section, "affiliated manufacturers" means a manufacturer of beer:

(a) that one or more members of the manufacturing entity have more than a majority share interest in or that controls directly or indirectly another beer manufacturing entity;

(b) for which the business operations conducted between or among entities are interrelated or interdependent to the extent that the net income of one entity cannot reasonably be determined without reference to operations of the other entity; or

(c) of which the brand names, products, recipes, merchandise, trade name, trademarks, labels, or logos are identical or nearly identical."

Insert: "Section 3. Section 16-4-501, MCA, is amended to read:

"16-4-501. License and permit fees. (1) Each beer licensee licensed to sell either beer or table wine only or both beer and table wine under the provisions of this code shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

(a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, $500;

(ii) for each storage depot, $400;

(b) (i) each beer wholesaler, $400; each winery, $200; each table wine distributor, $400;

(ii) for each subwarehouse, $400;

(c) each beer retailer, $200;

(d) (i) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license;

(ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, $200;

(e) any unit of a nationally chartered veterans' organization, $50.

(2) The permit fee under 16-4-301(1) is computed at the following rate:

(a) $10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and

(b) $1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).

(3) The permit fee under 16-4-301(2) is $10 for the sale of beer and table wine only or $20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses must be issued upon payment by the applicant of an annual license fee in the sum of $300.

(5) The annual license fee for a license to sell wine on the premises, when issued as an

amendment to a beer-only license pursuant to 16-4-105, is $200.

(6) The annual renewal fee for:

(a) a brewer producing ~~20,000~~ 10,000 or fewer barrels of beer, as defined in 16-1-406, is $200; and

(b) resort retail all-beverages licenses within a given resort area is $2,000 for each license.

(7) Except as provided in this section, each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

(a) for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, $250 for a unit of a nationally chartered veterans' organization and $400 for all other licensees;

(b) for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $350 for a unit of a nationally chartered veterans' organization and $500 for all other licensees;

(c) for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $500 for a unit of a nationally chartered veterans' organization and $650 for all other licensees;

(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $650 for a unit of a nationally chartered veterans' organization and $800 for all other licensees;

(e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.

(f) an applicant for the issuance of an original license to be located in areas described in subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that applicant's ability to pay a $20,000 license fee. A successful applicant shall pay a one-time original license fee of $20,000 for a license issued. The one-time license fee of $20,000 may not apply to any transfer or renewal of a license issued prior to July 1, 1974. However, all licenses are subject to the specified annual renewal fees.

(8) The fee for one all-beverages license to a public airport is $800. This license is nontransferable.

(9) The annual fee for a retail beer and wine license to the Yellowstone airport is $400.

(10) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303 is $250.

(11) The annual fee for a distillery is $600.

(12) The license fees provided in this section are exclusive of and in addition to other

license fees chargeable in Montana for the sale of alcoholic beverages.

(13) In addition to other license fees, the department of revenue may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.

(14) All license and permit fees collected under this section must be deposited as provided in 16-2-108.""

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 4/4/2017
HB 44, be amended as follows:

1. Page 1, line 26.
Strike: "4TH AND"
Following: "JUDICIAL"
Strike: "DISTRICTS"
Insert: "district"

2. Page 1, line 27.
Following: "2019."
Insert: "The additional judge for the 4th judicial district must be appointed pursuant to the provisions of Title 3, chapter 1, part 10, to take office October 1, 2018."

And, as amended, be concurred in.

HB 70, be concurred in.
HB 77, be amended as follows:

1. Title, page 1, line 20.
Strike: "PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 6, line 22.
Strike: "and"

3. Page 6, line 24.
Following: "47-1-105"
Insert: "; and
(e) the director of the office of state public defender provided for in [section 1]"

4. Page 21.
Following: line 25
Insert: "(6) A public defender may not be assigned to act as court-appointed counsel in a

proceeding under the Drug Offender Accountability and Treatment Act, Title 46, chapter 1, part 11, or under the Mental Health Treatment Court Act, Title 46, chapter 1, part 12."

5. Page 51, line 4 through line 6.
Strike: section 49 in its entirety
Renumber: subsequent sections

6. Page 51, line 8.
Strike: "subsections (2) and (3)"
Insert: "subsection (2)"

7. Page 51, line 11.
Strike: subsection (3) in its entirety

And, as amended, be concurred in.

HB 372, be concurred in.
HB 383, be concurred in.

NATURAL RESOURCES (Vincent, Chair): 4/3/2017
HJ 9, be amended as follows:

1. Page 3, line 4.
Following: "use"
Insert: ", unless Congress confirms a study area for inclusion in the National Wilderness Preservation System"

2. Page 3.
Following: line 11
Insert: "BE IT FURTHER RESOLVED, that in its deliberations, Congress consider the land management alternatives in view of the Forest Management Act of 1897 in conjunction with the 2007 water compact between the state of Montana and the U.S. Department of Agriculture Forest Service since land management directly impacts the volume, quantity, and timing of water flows from watersheds in these wilderness study areas and impacts downstream water rights holders.
BE IT FURTHER RESOLVED, that the Legislature urges the Secretary of the Department of Agriculture to direct the Forest Service to immediately evaluate the impacts of the land management alternatives on the watersheds in the wilderness study areas and downstream water rights holders to help inform Congress in its deliberations."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/4/2017
SJ 21, do pass.
HB 386, be concurred in.

HB 389, be concurred in.
HB 517, be concurred in.

Without objection, committee reports were adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SPECIAL ORDERS OF THE DAY

"Expressions of Silence," comprised of students from the Montana School for the Deaf and Blind in Great Falls, performed for the Senate.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 487 - Senator Salomon moved **HB 487** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 185 - Senator Salomon moved **HB 185** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Osmundson, Pomnichowski, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

President Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, April 5, 2017, the seventy-first legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 5, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/5/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-first, sixty-second, sixty-third, sixty-fourth, and sixty-fifth legislative days, find the same to be correct.

Correctly printed: **SR 54**, **SR 55**, **SR 56**, **SR 58**, **SJ 21**, **SJ 23**, **SJ 24**, **SJ 25**, **SJ 26**, **HB 37**, **HB 70**, **HB 185**, **HB 228**, **HB 255**, **HB 283**, **HB 372**, **HB 373**, **HB 383**, **HB 386**, **HB 389**, **HB 407**, **HB 428**, **HB 487**, **HB 517**.
Correctly engrossed: **HB 44**, **HB 77**, **HB 141**, **HB 144**, **HB 205**, **HB 458**, **HB 462**, **HB 474**, **HB 528**, **HB 541**.
Correctly enrolled: **SB 7**, **SB 180**, **SB 184**, **SR 4**.
Examined by the sponsor and found to be correct: **SB 7**, **SB 180**, **SB 184**, **SR 4**.
Transmitted to the House: **HB 2**, **HB 99**, **HB 100**.
Signed by the President at 3:26 p.m., April 4, 2017: **SB 135**, **SB 224**, **SB 231**, **SB 252**, **SB 275**, **SR 32**, **SR 33**, **SR 52**, **SR 53**.
Signed by the Secretary of the Senate at 7:25 a.m., April 5, 2017: **SB 135**, **SB 224**, **SB 231**, **SB 252**, **SB 275**, **SR 32**, **SR 33**, **SR 52**, **SR 53**.
Delivered to the Secretary of State at 11:20 a.m., April 5, 2017: **SR 32**, **SR 33**, **SR 52**, **SR 53**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/5/2017
SR 55, be adopted.
SR 56, be adopted.
HB 449, be amended as follows:

1. Title, page 1, line 5 through line 6.
Following: "POOL" on line 5
Strike: "TO INCLUDE" on line 5 through "REMUNERATION" on line 6

2. Page 1, line 11.
Strike: "monetary"

Insert: "all"

3. Page 1, line 12.
Strike: "only"

4. Page 1, line 13.
Following: "~~value of~~"
Strike: "OR OTHER MONETARY"
Insert: "value of all"
Following: "~~cash~~"
Insert: "in any medium other than cash"

5. Page 1, line 27.
Strike: "and"

6. Page 1, line 29.
Following: "arrangement"
Insert: "; (f) board if it constitutes a part of the employee's remuneration and is based on its actual value; and
(g) lodging, rent, or housing if it constitutes part of the employee's remuneration and is based on a value as set by administrative rule. The values set by administrative rule must address the general geographic proximity to available housing and may consider other reasonable factors that affect value"

7. Page 2, line 11.
Following: "~~or~~"
Insert: "or"

8. Page 2, line 13 through line 15.
Following: "53-4-201"
Strike: "; or" on line 13 through "AN EMPLOYEE" on line 15

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 4/4/2017
HB 123, be amended as follows:

1. Title, page 1, line 13.
Following: "33-35-306,"
Insert: "45-5-214,"

2. Page 2, line 10.
Strike: "a person"
Insert: ":
(a) an individual"

3. Page 2, line 11.
Following: "profession"
Insert: "; and
(b) a hospital, critical access hospital, outpatient center for primary care, or outpatient center for surgical services licensed pursuant to Title 50, chapter 5"

4. Page 2, line 12.
Following: "(5)"
Insert: "(a)"

5. Page 2, line 17.
Insert: "(b) The term does not include group insurance plans established under Title 2, chapter 18, for public employees and officers or the Montana university system group benefits plan established in Title 20, chapter 25, part 13."

6. Page 2, line 21 through line 22.
Following: "provider" on line 21
Strike: ", outpatient" on line 21 through "hospital" on line 22

7. Page 4, line 15.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

8. Page 7, line 4.
Insert: "Section 13. Section 45-5-214, MCA, is amended to read:

"45-5-214. Assault with bodily fluid. (1) A person commits the offense of assault with a bodily fluid if the person purposely causes one of the person's bodily fluids to make physical contact with:

(a) a law enforcement officer, a staff person of a correctional or detention facility, or a health care provider, ~~as defined in 50-4-504,~~ including a health care provider performing emergency services, while the health care provider is acting in the course and scope of the health care provider's profession and occupation:

(i) during or after an arrest for a criminal offense;

(ii) while the person is incarcerated in or being transported to or from a state prison, a county, city, or regional jail or detention facility, or a health care facility; or

(iii) if the person is a minor, while the youth is detained in or being transported to or from a county, city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, health care facility, or shelter care facility; or

(b) an emergency responder.

(2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed $1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.

(3) The youth court has jurisdiction of any violation of this section by a minor, unless the charge is filed in district court, in which case the district court has jurisdiction.

(4) As used in this section, the following definitions apply:

(a) "Bodily fluid" means any bodily secretion, including but not limited to feces, urine, blood, and saliva.

(b) "Emergency responder" means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical technician, emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident.

(c) "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or practice of a profession.""

Renumber: subsequent sections

9. Page 7, line 15.
Strike: "a person"
Insert: ":
(a) an individual"

10. Page 7, line 17.
Following: "profession"
Insert: "; and
(b) a hospital, critical access hospital, outpatient center for primary care, or outpatient center for surgical services licensed pursuant to Title 50, chapter 5"

11. Page 7, line 18.
Following: "(5)"
Insert: "(a)"

12. Page 7, line 23.
Insert: "(b) The term does not include group insurance plans established under Title 2, chapter 18, for public employees and officers or the Montana university system group benefits plan established in Title 20, chapter 25, part 13."

13. Page 8, line 1.
Following: "provider"
Strike: ", outpatient " through "hospital"

14. Page 8, line 2.
Following: "treatment"
Insert: "provided by that health care provider"

And, as amended, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 4/5/2017
HB 642, be amended as follows:

1. Page 1, line 17.
Strike: "32-2-102"
Insert: "32-9-105 and 32-9-133"

And, as amended, be concurred in.

HB 647, be amended as follows:

1. Title, page 1, line 4.
Strike: the third occurrence of "ACT"

2. Title, page 1, line 6.
Following: "PAYMENT"
Insert: "AND SCHOOL DISTRICT GENERAL FUND BLOCK GRANTS; INCREASING THE GUARANTEED TAX BASE MULTIPLIER"

3. Title, page 1, line 8.
Strike: "REPEALING" through "PAYMENT;"
Insert: "REDIRECTING ANY EXCESS INTEREST AND INCOME REVENUE FROM SCHOOL TRUST LANDS TO SCHOOL FACILITIES; ELIMINATING INFLATIONARY INCREASES FOR COUNTY SCHOOL TRANSPORTATION BLOCK GRANTS;"

4. Title, page 1, line 12.
Following: "TRANSFERS;"
Insert: "CREATING A NATURAL RESOURCE DEVELOPMENT K-12 SCHOOL FACILITIES PAYMENT; CREATING A COAL-FIRED GENERATING UNIT CLOSURE MITIGATION BLOCK GRANT;"

5. Title, page 1, line 13.
Strike: "20-9-308,"
Strike: "20-9-323, 20-9-326,"

6. Title, page 1, line 14.
Following: "20-9-622,"
Insert: "20-9-630, 20-9-632,"

7. Title, page 1, line 14 through line 15.
Strike: "REPEALING" on line 14 through "MCA;" on line 15

8. Page 5, line 16.
Strike: "school" through "and"
Insert: "any portion of the combined fund block grant allocated to the district general fund by the trustees pursuant to 20-9-630;

(vi) if applicable, a coal-fired generating unit closure mitigation block grant as provided in [section 19]; and"

Renumber: subsequent subsections

9. Page 7, line 3.
Strike: "and"

10. Page 7, line 4.
Following: "~~and~~"
Insert: "; and
(g) the total data-for-achievement payment"

11. Page 7, line 9.
Following: "~~payment,~~"
Insert: "100% of the total data-for-achievement payment,"

12. Page 8, line 24.
Following: "~~payment,~~"
Insert: "the total data-for-achievement payment,"

13. Page 10, line 16.
Following: line 16
Insert: "(15) "Total data-for-achievement payment" means the payment provided in 20-9-325 resulting from multiplying $20 for fiscal year 2016 and $20.36 for each succeeding fiscal year by the district's ANB calculated in accordance with 20-9-311."
Renumber: subsequent subsections

14. Page 10, line 21 through page 11, line 23.
Strike: section 6 in its entirety
Renumber: subsequent sections

15. Page 16, line 10 through page 17, line 24.
Strike: sections 8 and 9 in their entirety
Renumber: subsequent sections

16. Page 17, line 27.
Following: "~~(1)~~"
Insert: "(1)"

17. Page 18, line 1.
Strike: "Money"
Insert: "Except as provided in subsection (2), money"

18. Page 18, line 9.
Following: line 9
Insert: "(2) Any excess interest and income revenue deposited in the guarantee account in each fiscal year must be distributed in accordance with 20-9-622(2).

(3) For purposes of this section, "excess interest and income revenue" means an annual amount in excess of $56 million."

19. Page 19, line 11.
Strike: "and"

20. Page 19, line 12.
Following: "payment;"
Insert: "and
(vi) the total data-for-achievement payment;"

21. Page 19, line 19.
Strike: "and"

22. Page 19, line 20.
Following: "payment;"
Insert: "and
(vi) the total data-for-achievement payment;"

23. Page 19, line 29.
Strike: "and"

24. Page 20, line 1.
Following: "~~payment~~"
Insert: ", and the total data-for-achievement payment"

25. Page 20, line 27.
Following: line 27
Insert: "(b) the total data-for-achievement payment;"
Renumber: subsequent subsections

26. Page 21, line 5.
Following: "193%"
Insert: "for fiscal year 2018, 216% for fiscal year 2019, 224% for fiscal year 2020, and 232% for fiscal year 2021 and each succeeding fiscal year"

27. Page 23, line 5.
Following: "20-9-622"
Insert: "(2)"

28. Page 26, line 11.
Following: "~~(1)~~"
Insert: "(1)"

29. Page 26, line 13.

Strike: "(1)"
Insert: "(a)"

30. Page 26, line 14.
Strike: "(2)"
Insert: "(b)"

31. Page 27.
Following: line 4
Insert: "(2) Any excess interest and income revenue deposited in the guarantee account for distribution under this section must be transferred to the school facility and technology account provided for in 20-9-516."

32. Page 27.
Following: line 4
"Section 14. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide ~~a block grant to each school district based on:~~

~~(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate income taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and~~

~~(ii) any reimbursement to be made to a school district pursuant to subsection (2)~~ block grants to school districts in accordance with this section.

(b) ~~Block grants must be calculated using the~~ The electronic reporting system that is used by the office of public instruction and school districts~~. The electronic reporting system~~ must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(2) If the legislature enacts a reimbursement provision effective on or after July 1, 2017, that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. Except for the reimbursement made under 15-1-123(3)(b), the total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) ~~(a) The block grant for the district general fund is equal to the amount received in fiscal year 2011 by the district general fund from the block grants provided for in subsection (1) and the amount received by the district general fund under subsection (2), except the amount received under 15-1-123(3)(b).~~

~~(b)~~(a) The block grant for the district transportation fund is equal to the amount received in fiscal year ~~2011~~ 2017 by the district transportation fund from the block grants provided for in subsection (1) and the amount received by the district transportation fund under subsection (2),

except the amount received under 15-1-123(3)(b).

~~(c)~~(b) (i) The combined fund block grant is equal to the amount received in fiscal year ~~2011~~ 2017 and the amount received under subsection (2), except the amount received under 15-1-123(3)(b).

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."

Insert: "Section 15. Section 20-9-632, MCA, is amended to read:

"20-9-632. Countywide school transportation block grants. ~~(1)~~ The office of public instruction shall distribute one-half of the amount appropriated for countywide school transportation in November and the remainder in May. The total amount for each county is equal to the amount received in fiscal year 2017. ~~as follows:~~

	~~FY 2002~~	~~FY 2003~~
	~~Payment~~	~~Payment~~
~~Beaverhead~~	~~$29,924~~	~~$26,197~~
~~Big Horn~~	~~43,635~~	~~52,920~~
~~Blaine~~	~~3,727~~	~~13,433~~
~~Broadwater~~	~~14,935~~	~~21,769~~
~~Carbon~~	~~23,493~~	~~23,040~~
~~Carter~~	~~8,675~~	~~6,592~~
~~Cascade~~	~~84,382~~	~~43,722~~
~~Chouteau~~	~~33,063~~	~~27,043~~
~~Custer~~	~~7,069~~	~~6,272~~
~~Daniels~~	~~16,771~~	~~12,993~~
~~Dawson~~	~~21,356~~	~~14,001~~
~~Deer Lodge~~	~~14,392~~	~~12,532~~
~~Fallon~~	~~20,447~~	~~25,428~~
~~Fergus~~	~~58,765~~	~~29,415~~
~~Flathead~~	~~89,846~~	~~77,223~~
~~Gallatin~~	~~81,262~~	~~90,930~~
~~Garfield~~	~~17,284~~	~~7,135~~
~~Glacier~~	~~37,740~~	~~34,300~~

~~Golden Valley~~	~~3,547~~	~~3,664~~
~~Granite~~	~~8,153~~	~~6,858~~
~~Hill~~	~~46,409~~	~~40,781~~
~~Jefferson~~	~~36,329~~	~~34,817~~
~~Judith Basin~~	~~16,878~~	~~20,322~~
~~Lake~~	~~69,756~~	~~52,163~~
~~Lewis & Clark~~	~~58,287~~	~~69,535~~
~~Liberty~~	~~15,874~~	~~9,584~~
~~Lincoln~~	~~50,388~~	~~22,795~~
~~Madison~~	~~21,263~~	~~12,828~~
~~McCone~~	~~12,498~~	~~11,788~~
~~Meagher~~	~~4,237~~	~~6,976~~
~~Mineral~~	~~7,478~~	~~9,038~~
~~Missoula~~	~~93,969~~	~~94,480~~
~~Musselshell~~	~~12,945~~	~~20,627~~
~~Park~~	~~31,904~~	~~32,394~~
~~Petroleum~~	~~9,854~~	~~7,300~~
~~Phillips~~	~~31,080~~	~~43,872~~
~~Pondera~~	~~22,599~~	~~18,308~~
~~Powder River~~	~~21,304~~	~~21,795~~
~~Powell~~	~~16,622~~	~~14,507~~
~~Prairie~~	~~8,544~~	~~4,809~~
~~Ravalli~~	~~60,579~~	~~38,440~~
~~Richland~~	~~32,995~~	~~29,315~~
~~Roosevelt~~	~~25,740~~	~~40,216~~
~~Rosebud~~	~~97,820~~	~~90,850~~
~~Sanders~~	~~71,581~~	~~69,930~~

~~Sheridan~~	~~12,946~~	~~24,274~~
~~Silver Bow~~	~~21,872~~	~~18,381~~
~~Stillwater~~	~~27,358~~	~~17,543~~
~~Sweet Grass~~	~~14,996~~	~~6,340~~
~~Teton~~	~~28,202~~	~~20,759~~
~~Toole~~	~~17,208~~	~~15,592~~
~~Treasure~~	~~5,446~~	~~5,073~~
~~Valley~~	~~26,677~~	~~27,775~~
~~Wheatland~~	~~9,142~~	~~6,386~~
~~Wibaux~~	~~6,198~~	~~8,816~~
~~Yellowstone~~	~~149,314~~	~~146,210~~
~~Total~~	~~1,814,759~~	~~1,650,088~~

~~(2) The average of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~""
Renumber: subsequent sections

33. Page 28, line 29.
Following: "20-31-402."
Insert: "The legislature intends that fire school training services will be funded from the general fund following the 2019 biennium.

(3) By August 1, 2017, the state treasurer shall transfer $400,000 from the incentive for physicians practicing in rural areas or medically underserved areas or for underserved populations state special revenue account established in 20-26-1501 to a state special revenue account administered by the office of the commissioner of higher education for the family practice rural residency graduate medical education program.

(4) By August 1, 2018, the state treasurer shall transfer $400,000 from the general fund to a state special revenue account administered by the office of the commissioner of higher education for the family practice rural residency graduate medical education program."
Insert: "NEW SECTION. **Section 18. Natural resource development K-12 school facilities payment**. (1) The natural resource development K-12 school facilities payment replaces the former natural resource development K-12 funding payment as a means to provide local property tax relief by supporting school district facility needs. The legislature intends for the new payment to grow in a manner similar to the previous payment as described in subsection (2) through fiscal year 2022 until other revenue to support school facilities has increased.

(2) Beginning in fiscal year 2019, the superintendent of public instruction shall annually deposit no later than March 31 in the school facility and technology account provided for in 20-9-

516 the natural resource development K-12 school facilities payment, which is calculated as the greater of:

(a) $5.8 million in fiscal year 2019, $6.4 million in fiscal year 2020, $7.6 million in fiscal year 2021, and $10 million in fiscal year 2022, increased by an inflationary adjustment calculated as provided in 20-9-326 in each succeeding fiscal year; or

(b) 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment.

(3) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the superintendent of public instruction shall include a natural resource development K-12 school facilities payment for each year of the ensuing biennium calculated as described in subsection (2)."

Insert: "NEW SECTION. **Section 19. Coal-fired generating unit closure mitigation block grant**. (1) (a) The office of public instruction shall provide a coal-fired generating unit closure mitigation block grant to each school district with a fiscal year 2017 taxable valuation that includes a coal-fired generating unit with a generating capacity that is greater than or equal to 200 megawatts, was placed in service prior to 1980, and is retiring or planned for retirement on or before July 1, 2022.

(b) The electronic reporting system that is used by the office of public instruction and school districts must be used to allocate the block grant amount into each district's general fund budget as an anticipated revenue source.

(2) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(3) The block grant is equal to the amount received in fiscal year 2017 by the district general fund from the block grants provided for in 20-9-630(4)(a) as that section read prior to July 1, 2017.

(4) (a) If the owner of a coal-fired generating unit that is retired or planned for retirement on or before July 1, 2022, makes a payment in accordance with a retirement plan approved by the department of environmental quality or a transition agreement with the governor and attorney general for the purpose of decommissioning requirements and a portion of the payment is allocated to a school district for the purposes of school funding cost shifts, then that portion must repay to the state general fund the cost of the block grant payments under this section, as discounted in accordance with an agreement for payment to the state, on the following schedule, not to exceed the limitation provided in subsection (4)(b):

(i) if the generating unit closes prior to June 30, 2018, 100% of the total block grant payments under this section must be returned to the general fund;

(ii) if the generating unit closes during fiscal year 2019, 90% of the block grant payments under this section must be returned to the general fund;

(iii) if the generating unit closes during fiscal year 2020, 80% of the block grant payments under this section must be returned to the general fund;

(iv) if the generating unit closes during fiscal year 2021, 70% of the block grant payments under this section must be returned to the general fund; and

(v) if the generating unit closes during fiscal year 2022 or on July 1, 2022, 60% of the block grant payments under this section must be returned to the general fund.

(b) Repayment under subsection (4)(a) may not exceed the amount of any portion of a payment allocated to a school district in accordance with a retirement plan or a transition plan."

Renumber: subsequent sections

34. Page 29, line 4 through page 6.
Strike: section 20 in its entirety
Renumber: subsequent sections

35. Page 29, line 10.
Following: line 10
Insert: "NEW SECTION. **Section 22. Codification instruction.** [Sections 18 and 19] are intended to be codified as an integral part of Title 20, chapter 9, part 6, and the provisions of Title 20, chapter 9, part 6, apply to [sections 18 and 19]."
Insert: "COORDINATION SECTION. **Section 23. Coordination instruction.** If both Senate Bill No. 307 and [this act] are passed and approved and if Senate Bill No. 307 contains a section that creates a new state special revenue account for school major maintenance aid, then the reference in 20-9-622 of [this act] to the "school facility and technology account provided for in 20-9-516" must be changed to the "school major maintenance aid account provided for in [section 8 of Senate Bill No. 307]"."
Insert: "COORDINATION SECTION. **Section 24. Coordination instruction.** If both Senate Bill No. 307 and [this act] are passed and approved and if Senate Bill No. 307 contains a section that creates a new state special revenue account for school major maintenance aid, then the reference in [section 18 of this act] to the "school facility and technology account provided for in 20-9-516" must be changed to the "school major maintenance aid account provided for in [section 8 of Senate Bill No. 307]"."

"COORDINATION SECTION. **Section 25. Coordination instruction.** (1) If Senate Bill No. 307 is not passed and approved, then the general fund appropriation for BASE aid in House Bill No. 2 must be increased by $4.9 million for fiscal year 2018 and by $5.8 million for fiscal year 2019 for the purpose of reinstating the natural resource development K-12 funding payment and adjusting guaranteed tax base aid accordingly.

(2) If Senate Bill No. 307 is not passed and approved, then [section 18 of this act] creating a natural resource development K-12 school facilities payment is void, and the sections in [this act] amending 20-7-102, 20-9-141, 20-9-306, 20-9-342, 20-9-344, and 20-9-622 are void and 20-9-141 must be amended as follows:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid, the natural resource development K-12 funding payment, and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of

20-9-104;

(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

(B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;

(iii) anticipated oil and natural gas production taxes;

(iv) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703;

(v) ~~school district block grants distributed under 20-9-630; and~~ any portion of the combined fund block grant allocated to the district general fund by the trustees pursuant to 20-9-630;

(vi) if applicable, a coal-fired generating unit closure mitigation block grant as provided in [section 19]; and

~~(vi)~~(vii) any portion of the increment remitted to a school district under 7-15-4291 used to reduce the BASE levy budget.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Determine the sum of:

(i) any amount remaining after the determination in subsection (1)(c);

(ii) any portion of the increment remitted to a school district under 7-15-4291 used to reduce the over-BASE budget levy; and

(iii) any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2).

(e) Subtract the amount determined in subsection (1)(d) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) For each school district, the department of revenue shall calculate and report to the

county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703."

"NEW SECTION. **Section 26. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Renumber: subsequent sections

36. Page 29, line 14.
Strike: "19"
Insert: "20"

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 4/4/2017
HJ 15, be amended as follows:

1. Page 2, line 17 through line 25.
Strike: line 17 through line 25 in their entirety

2. Page 3, line 2 through line 5.
Strike: "; and" on line 2 through "range" on line 5

3. Page 3, line 11 through line 16.
Strike: line 11 through line 16 in their entirety
Insert: "BE IT FURTHER RESOLVED, that the Montana Legislature call upon the U.S. Fish and Wildlife Service to revise the 1993 Grizzly Bear Recovery Plan and reevaluate the Grizzly Bear Recovery Zone efficacy rangewide.

BE IT FURTHER RESOLVED, that the Montana Legislature request that the U.S. Fish and Wildlife Service create a statewide distinct population segment that includes all of Montana's grizzly bear recovery zones for the purpose of delisting the bear and returning grizzly bear management to state control.

BE IT FURTHER RESOLVED, that the U.S. Fish and Wildlife Service develop a new management plan pursuant to section 4(d) of the Endangered Species Act that would aim to resolve conflicts between bears and humans within the Northern Continental Divide Recovery Zone."

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/4/2017
HB 144, be amended as follows:

1. Title, page 1, line 14 through line 15.
Strike: "ALLOWING USE" on line 14 through "SUSPENSION PURPOSES;" on line 15

2. Title, page 1, line 20.

Strike: "61-5-111,"

3. Title, page 1, line 21.
Strike: "61-5-208,"

4. Page 40, line 27 through page 44, line 8.
Strike: section 17 in its entirety
Renumber: subsequent sections

5. Page 48, line 21 through page 50, line 13.
Strike: section 23 in its entirety
Renumber: subsequent sections

6. Page 53, line 28 through line 29.
Following: "a civil penalty" on line 28
Strike: "," through "appendix B" on line 29
Insert: "not to exceed $2,985 for a first offense and a civil penalty of $5,970 for a second or subsequent offense"

7. Page 57, line 12.
Following: "14 through"
Strike: "21, 24, 26,"
Insert: "20, 22, 24,"

And, as amended, be concurred in.

HB 205, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND HYBRID VEHICLE"

2. Page 23, line 28 through line 29.
Strike: subsection (30) in its entirety
Renumber: subsequent subsections

3. Page 34, line 22 through line 23.
Following: "an electric vehicle" on line 22
Strike: "and a hybrid vehicle"

4. Page 34, line 23.
Following: "$95"
Strike: "for an electric" through "a hybrid vehicle"

5. Page 34, line 24.
Following: "all electric vehicles"

Strike: "and hybrid vehicles"

6. Page 41, following line 7.
Insert: "NEW SECTION. **Section 24. Coordination instruction.** If both House Bill No. 473 and [this act] are passed and approved, then the reference in [this act] to "the highway revenue account in the state special revenue fund" in [section 20(2)(b)] must be changed to "the highway restricted account provided for in [section 1 of House Bill No. 473]"."
Renumber: subsequent section

And, as amended, be concurred in.

HB 528, be amended as follows:

1. Title, page 1, line 5.
Following: "AUXILIARY LAMPS;"
Insert: "PROVIDING AN EXCEPTION FOR ORIGINAL EQUIPMENT INSTALLED BY A MANUFACTURER;"

2. Page 2, line 1.
Following: "(5)"
Strike: "A"
Insert: "(a) Except as provided in subsection (5)(b), a"

3. Page 2, following line 3.
Insert: "(b) The provisions of subsection (5)(a) do not apply to a light bar that has been installed as part of the original standard or optional equipment by the manufacturer of a vehicle."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/5/2017
SR 54, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/4/2017
HB 458, be amended as follows:

1. Title, page 1, line 5.
Following: "RESIDENTS"
Insert: ", INCLUDING THOSE"

2. Page 1, line 23.
Strike: "who have been"
Insert: "while they are"
Following: "state"
Insert: "and"

3. Page 1, line 27.
Strike: "**transition to community**"
Insert: "**Montana developmental center residents**"

4. Page 1, line 28.
Following: "monitor"
Insert: ": (a)"

5. Page 1, line 29.
Following: the second "community home"
Insert: "; and
(b) for the duration of their residency, individuals who are admitted to and residing at the Montana developmental center"

6. Page 2, line 8.
Following: "report"
Insert: "on the results of the monitoring:
(a) at least quarterly to family members and guardians of the individuals if the family members and guardians are authorized to receive health care information; and
(b)"

7. Page 2, line 9.
Strike: "on the results of the monitoring"
Following: "report"
Insert: "to the interim committee"

8. Page 2, line 27.
Following: "persons"
Insert: "residing at or"
Strike: "pursuant to"
Insert: ", in accordance with"

9. Page 3, line 13.
Following: "who"
Insert: "are admitted into or residing at the Montana developmental center on or after October 1, 2017, or"

10. Page 3, line 16.
Following: "monitoring"
Insert: "of individuals released from the Montana developmental center into a community home"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/4/2017

SB 7, introduced by P. Connell
SB 17, introduced by N. Swandal

Senate amendments to House bills concurred in: 4/5/2017

HB 289, introduced by T. Jacobson
HB 298, introduced by E. Greef
HB 328, introduced by R. Ehli
HB 349, introduced by P. Webb
HB 355, introduced by R. Shaw

SB 143 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 143:** 4/5/2017

Representative Fern
Representative Mandeville
Representative Staffanson

HB 280 - The House failed to concur in Senate amendments to **HB 280,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 280:** 4/5/2017

Representative Berglee
Representative Brodehl
Representative Perry

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 25, introduced by R. Webb, K. Abbott, D. Barrett, M. Blasdel, C. Boland, R. Brodehl, E. Buttrey, M. Caferro, J. Cohenour, K. Dudik, J. Eck, R. Ehli, T. Facey, T. Gauthier, E. Greef, J. Gross, M. Hopkins, G. Kipp, D. Lenz, M. MacDonald, T. Manzella, K. McCarthy, W. McKamey, M. McNally, S. Morigeau, D. Mortensen, A. Olszewski, R. Osmundson, M. Phillips, G. Pierson, J. Pomnichowski, J. Price, V. Ricci, T. Richmond, M. Ryan, D. Sands, D. Skees, C. Smith, F. Smith, S. Stewart-Peregoy, N. Swandal, F. Thomas, G. Vuckovich, C. Wolken, T. Woods, referred to Judiciary.
SJ 26, introduced by S. Fitzpatrick, B. Bennett, M. Blasdel, Z. Brown, E. Buttrey, P. Connell, R. Cook, W. Curdy, G. Custer, M. Dunwell, D. Fern, T. Gauthier, J. Gross, E. Hill Smith, T. Jacobson,

S. Lavin, D. Loge, R. Lynch, F. Mandeville, D. Mortensen, A. Olszewski, R. Osmundson, T. Richmond, D. Salomon, R. Shaw, S. Staffanson, J. Welborn, T. Welch, D. Zolnikov, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 466 - Senator Lang moved **HB 466** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 564 - Senator Blasdel moved **HB 564** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Hinkle, Howard, MacDonald, Malek, Salomon, Smith C.
Total 6

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 61 - Senator K. Regier moved **HB 61** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 131 - **Conference Committee Report No. 1** - Senator Hoven moved the Conference Committee report to **HB 131** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 94 - Senator Swandal moved **HB 94** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick,

Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: Caferro, Cohenour, MacDonald, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 445 - Senator Sesso moved **HB 445** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 368 - Senator Pomnichowski moved **HB 368** be concurred in.

Senator Moore disclosed he has several lagoons as described in the bill.

Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 47

Nays: Keenan, Olszewski, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 424 - Senator Vincent moved **HB 424** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 6 - Senator Sands moved **HJ 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Hinebauch, Hinkle, Keenan, Smith C, Vance, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 37 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Moore, Osmundson, Regier, Smith C, Vance, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 185 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 26

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 217 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 45

Nays: Cohenour, MacDonald, Malek, Smith F, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 255 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty,

McNally, Phillips, Pomnichowski, Salomon, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 283 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 373 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Fielder, Hinebauch, Hinkle, Howard, Regier, Smith C, Vincent, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 407 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Phillips, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 487 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Hinebauch, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/5/2017
HB 303, be amended as follows:

1. Page 1, line 15.
Strike: "justice"
Insert: "public health and human services"

2. Page 2, line 10.
Strike: "AND MAY NOT"
Insert: "but may"

3. Page 2, line 22.
Following: "neglect;"
Insert: "(c) coordinate with the child fatality review team and the domestic fatality review commission as appropriate;
(d) study the laws, practices, policies, successes, and failures of surrounding states in the area of combating child abuse and neglect and consider whether any should be adopted in Montana;"
Renumber: subsequent sections

4. Page 3, line 21.
Following: "committee,"
Insert: "the law and justice interim committee,"

5. Page 3, line 29.
Following: "department"
Insert: "of public health and human services"

And, as amended, be concurred in.

Without objection, committee report was adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 59**
Report No. 001, April 5, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 59** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 59** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.
Strike: "BOARD OF CRIME CONTROL"
Insert: "OFFICE OF COURT ADMINISTRATOR"
Following: "PRETRIAL"
Strike: "GRANT"

2. Title, page 1, line 8.

Strike: "PROGRAMS"
Insert: "PROSECUTION DIVERSION PROGRAM"

3. Title, page 1, line 14.
Following: "OFFENDERS;"
Insert: "REQUIRING THE COLLECTION OF CERTAIN DATA AND THE PROVISION OF CERTAIN REPORTS;"

4. Title, page 1, line 16.
Strike: "SECTION"
Insert: "SECTIONS 3-1-702 AND"

5. Page 1, line 23.
Strike: "board of crime control"
Insert: "office of court administrator"
Following: "pretrial"
Strike: "grant program to encourage local adoption of"
Insert: "program for felony defendants that includes the use of"

6. Page 1, following line 26.
Insert: "(2) The office of court administrator may use program funds to:
(a) develop, implement, and administer the pretrial program; and
(b) make allocations to counties or nonprofit organizations contracting with a county to provide pretrial services."
Renumber: subsequent subsections

7. Page 1, line 27.
Strike: "Grant"
Insert: "Allocated"

8. Page 1, line 28.
Following: "pretrial"
Insert: "felony"

9. Page 1, line 28 through line 29.
Strike: "A county" on line 28 through "a grant." on line 29

10. Page 1, line 30.
Strike: "board"
Insert: "office"

11. Page 2, line 1.
Following: "services"
Strike: "," through "funds"
Insert: "and activities and the criteria for the allocation of program funds, including that courts

accepting funds must use a validated risk assessment tool to assign release conditions and determine placement options"

12. Page 2, line 2.
Following: "funds by"
Insert: "counties and"

13. Page 2, line 3.
Following: "section;"
Strike: "and"
Insert: "(d) establish an advisory council that includes local and district court judges and other stakeholders to provide guidance to the office; and"
Renumber: subsequent subsections

14. Page 2, line 4.
Strike: "adopt rules"
Insert: "develop policies and procedures"
Following: "section"
Insert: ", subject to approval of the supreme court"

15. Page 2, line 5.
Strike: "Grants"
Insert: "Funds"

16. Page 2, line 6.
Strike: "board"
Insert: "office"

17. Page 2, line 7.
Strike: "(4)(b)"
Insert: "(5)(b)"

18. Page 2, line 8.
Strike: "board"
Insert: "office"

19. Page 2, line 29.
Strike: "12"
Insert: "15"

20. Page 2, line 30 through page 3, line 2.
Strike: subsection (A) in its entirety
Insert: "(a) (i) two members of the house of representatives, one selected by the speaker of the house and one by the house minority leader; and
(ii) two members of the senate, one selected by the president of the senate and one

selected by the senate minority leader;"

21. Page 3, line 16 through line 17.
Strike: subsection (IV) in its entirety
Insert: "(iv) two representatives of community corrections providers, one of whom must represent a treatment facility and one of whom must represent a prerelease center."

22. Page 3, line 22 through line 23.
Following: "2015"
Strike: "," on line 22 through "RECOMMENDATIONS" on line 23

23. Page 3, line 26.
Following: "RECOMMENDATIONS"
Following: ", including data related to the programs established in [sections 1 and 2]"

24. Page 4, following line 1.
Insert: "(4) Data evaluation performed by the council must:
(a) assess the current electronic records utilized by criminal justice agencies;
(b) review and list all variables collected in each agency's information management system;
(c) establish a baseline for historical data comparisons;
(d) determine whether data is linked to specific offenders through a unique identifying factor;
(e) review archival data and agencies' data retention policies;
(f) determine whether presentence investigation reports are completed electronically in the department of corrections' case management system within established statutory timelines;
(g) review any established data protocols for pretrial services;
(h) assess if the data collected or recommended to be collected on offenders and programs will provide criminal justice agencies, the legislature, and the public adequate information to determine whether correctional programs produce standardized outcomes across the state and are an efficient use of state resources; and
(i) review and suggest improvements for behavioral health screening instruments and other screening instruments as needed to ensure the integrity of data that is captured in criminal
justice agencies' information management systems.
(5) The council shall examine the feasibility of creating and maintaining a public portal through which criminal justice data can be accessed, including data on court case filings, correctional populations, and historical and legacy data sets."
Renumber: subsequent subsections

25. Page 4, line 6.
Strike: "AND"

26. Page 4, line 7.
Following: "REFORMS"

Insert: "; and

(d) a narrative of the council's progress on establishing data collection and uniformity standards and any changes that have been implemented as a result of the council's work"

27. Page 4, line 8.
Strike: "IMPLEMENTATION" through "WITH"

28. Page 4, line 9.
Following: "REFORMS"
Strike: ","
Following: "AND"
Insert: "to"

29. Page 5, line 1.
Following: "INCLUDE"
Insert: ": (a)"

30. Page 5, line 2.
Following: "2015"
Strike: ", AND"
Insert: "; (b)"

31. Page 5, line 4.
Following: "METRICS"
Insert: "; and

(c) the results of initial and ongoing program evaluations that the department is required by [section 6] to conduct, including any identified program deficiencies and the department's plan to correct those deficiencies"

32. Page 5, line 10.
Following: "**GRID**"
Insert: " **-- report**"

33. Page 5, line 19.
Following: "EXHAUST"
Insert: "and document"

34. Page 5, following line 19.
Insert: "(2) The grid must recommend the least restrictive placement for offenders based on the result of a validated risk and needs assessment. Placement decisions must be documented in the offender's file and must indicate any other less secure sanction options considered by the probation and parole officer before utilizing a higher level of custody."
Renumber: subsequent subsections

35. Page 5, line 22.
Following: "PAROLE;"
Strike: "AND"

36. Page 5, line 24.
Following: "LAW ENFORCEMENT PERSONNEL,"
Strike: "AND"
Following: "DETENTION CENTER PERSONNEL"
Strike: "."
Insert: ", contracted service providers, and other interested personnel;"

37. Page 5, line 25.
Strike: "(3) THE DEPARTMENT SHALL"
Insert: "(c)"
Following: "ENSURE"
Insert: "that"

38. Page 5, line 27.
Following: "STATE"
Strike: "."
Insert: "; (d) ensure that the guidance and procedures established in the grid consider community safety and the needs of the victim and offender;
(e) collect data relating to placement decisions based on the grid; and
(f) aggregate collected data and provide a report to the law and justice interim committee each biennium."

39. Page 5, line 30.
Following: "**SERVICES**"
Insert: " **-- report**"

40. Page 6, line 4.
Following: "ADOPT"
Strike: "A"
Insert: "an evidence-based"
Following: "THAT"
Strike: "ENSURES" through "PRACTICES;"
Insert: "measures how closely correctional programs meet the known principles of effective intervention. The tool must measure program content and capacity to ensure the delivery of effective interventions for offenders."

41. Page 6, line 6.
Following: "ENSURE"
Insert: "that"

42. Page 6, line 12.

Following: "STANDARDS FOR"
Strike: "THE"
Following: "HEALTH"
Insert: "PROGRAMS"

43. Page 6, following line 14.
Insert: "(6) The department shall:
(a) develop and maintain a list of evidence-based treatment curriculums to be utilized in programs operated by or under contract with the department with priority being placed on adopting treatment curriculums that are in the public domain and evidence-based; and
(b) report the results of all initial and ongoing program evaluations to the law and justice interim committee each interim, including any identified program deficiencies and the department's plan to correct those deficiencies."
Renumber: subsequent subsections

44. Page 6, line 15.
Following: "ENSURE"
Insert: "that"

45. Page 6, line 16 through 17.
Strike: "INCLUDE" on line 16 through "PRACTICES" on line 17
Insert: "contain:
(a) minimum program standards that adhere to the evidence-based program evaluation tool adopted as required in subsection (2);
(b) offender eligibility criteria for program entry with the contractor; and
(c) program dosage requirements that conform to evidence-based practices"

46. Page 6, line 18.
Insert: "Section 7. Section 3-1-702, MCA, is amended to read:
"3-1-702. Duties. The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:
(1) prepare and present judicial budget requests to the legislature, including the costs of the state-funded district court program;
(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;
(3) report annually to the law and justice interim committee and at the beginning of each regular legislative session report to the house appropriations subcommittee that considers general government on the status of development and procurement of information technology within the judicial branch, including any changes in the judicial branch information technology strategic plan and any problems encountered in deploying appropriate information technology within the judicial branch. The court administrator shall, to the extent possible, provide that current and future applications are coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in 2-17-521.

(4) recommend to the supreme court improvements in the judiciary;
(5) administer legal assistance for indigent victims of domestic violence, as provided in 3-2-714;
(6) administer state funding for district courts, as provided in chapter 5, part 9;
(7) administer and report on the child abuse court diversion pilot project provided in 41-3-305;
(8) administer the pretrial program provided for in [section 1];
~~(8)~~(9) administer the judicial branch personnel plan; and
~~(9)~~(10) perform other duties that the supreme court may assign. (Subsection (7) terminates June 30, 2017--sec. 7, Ch. 376, L. 2015.)""
Renumber: subsequent sections

47. Page 6, line 26.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

48. Page 7, line 27.
Strike: "[SECTIONS 1 AND 2] ARE"
Insert: "[Section 1] is"

49. Page 7, line 28.
Following: "INTEGRAL PART OF"
Strike: "TITLE 44, CHAPTER 4, PART 3,"
Insert: "Title 3, chapter 1, part 7,"

50. Page 7, line 28 through line 29.
Strike: "TITLE 44" on line 28 through "3," on line 29
Insert: "Title 3, chapter 1, part 7,"

51. Page 7, line 29.
Strike: "[SECTIONS 1 AND 2]."
Insert: "[section 1].
(2) [Section 2] is intended to be codified as an integral part of Title 44, chapter 4, part 3, and the provisions of Title 44, chapter 4, part 3, apply to [section 2]."
Renumber: subsequent subsections

52. Page 8, line 12.
Following: "APPROPRIATION"
Insert: "for the purposes of funding [section 3]"

53. Page 8, line 14.
Strike: "9"
Insert: "10"

54. Page 8, following line 14.

Insert: "(3) If House Bill No. 2 is passed and approved and if it does not include funding for the pretrial program established in [section 1], then [sections 1, 7, and 8] are void."

55. Page 8, line 16.
Strike: "SUBSECTIONS"
Insert: "section"
Strike: "AND (3)"

56. Page 8, line 18 through line 19.
Strike: subsection (2) through subsection (3) in their entirety
Insert: "(2) [Sections 1, 2, 7, 8, and 10] are effective July 1, 2017."

For the Senate:

K. Regier, Chair
Vincent
R. Webb

For the House:

Lynch, Vice Chair
Brodehl
Patelis

MOTIONS

Majority Leader Thomas moved that **HB 473** be taken from the Highways and Transportation Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 618** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Sands moved that **HB 142** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 22

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Webb moved that **HB 287** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion **passed** as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Thomas, Vance, Vincent, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, April 6, 2017, the seventy-second legislative day. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 6, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Thomas. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/6/2017
Correctly printed: **HB 61**, **HB 94**, **HB 287**, **HB 368**, **HB 401**, **HB 424**, **HB 445**, **HB 466**, **HB 501**, **HB 564**, **HJ 6**.
Correctly engrossed: **SJ 23**, **HB 4**, **HB 44**, **HB 77**, **HB 118**, **HB 123**, **HB 303**, **HB 406**, **HB 442**, **HB 449**, **HB 541**, **HB 583**, **HB 642**, **HB 647**, **HJ 15**.
Correctly enrolled: **SB 17**, **SB 60**, **SB 139**, **SB 287**.
Transmitted to the House: **HB 37**, **HB 185**, **HB 217**, **HB 255**, **HB 283**, **HB 373**, **HB 407**, **HB 487**.
Signed by the President at 5:00 p.m., April 5, 2017: **SB 7**, **SB 180**, **SB 184**, **SR 4**.
Signed by the Secretary of the Senate at 7:08 a.m., April 6, 2017: **SB 7**, **SB 180**, **SB 184**, **SR 4**.
Signed by the Speaker at 7:45 a.m., April 6, 2017: **SB 135**, **SB 224**, **SB 231**, **SB 252**, **SB 275**.
Signed by the Speaker at 11:00 a.m., April 6, 2017: **SB 7**, **SB 180**, **SB 184**.
Delivered to the Governor at 11:11 a.m., April 6, 2017: **SB 135**, **SB 224**, **SB 231**, **SB 252**, **SB 275**.
Delivered to the Governor at 11:46 a.m., April 6, 2017: **SB 7**, **SB 180**, **SB 184**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/6/2017
HB 4, be amended as follows:

1. Page 5.
Following: line 23
Insert: "Stream Restoration of Big Spring Creek FY2017 $27,585 Federal"

2. Page 7.
Following: line 14
Insert: "Invasive Species Early Detection and Rapid Response for Mussels FY2017$60,000
Federal Aquatic Invasive Species Prevention FY2017 $20,000
Federal"

3. Page 7, line 16.
Strike: "and"
Insert: ","

4. Page 7, line 16.
Following: "water act"
Insert: ", and for the invasive species early detection and rapid response for mussels"

5. Page 7.
Following: line 16
Insert: "All remaining fiscal year 2017 federal budget amendment authority for aquatic invasive species prevention is authorized to continue into federal fiscal year 2018."

6. Page 7.
Following: line 28
Insert: "Federal Reimbursements FY2017 $529 Federal"

7. Page 8.
Following: line 12
Insert: "Prescribed Burning Activities in the Kootenai National Forest FY2017 $1,000 Federal
25th Anniversary Commemorative Assistance Grant FY2017
$50,000 Federal
Consolidated Payments Grant FY2017 $150,000 Federal"

8. Page 8, line 20.
Following: "western bark beetle grant,"
Insert: "and"

9. Page 8, line 20 through line 21.
Strike: ", and" on line 20 through "grant" on line 21

10. Page 8, line 23.
Following: "forest,"
Insert: "for prescribed burning activities in the Kootenai national forest,"

11. Page 9, line 2.
Following: "GRANT,"
Insert: "for the 25th anniversary commemorative assistance grant,"

12. Page 9.
Following: line 3
Insert: "Agricultural Sciences Division
Greater Sage Grouse Habitat Grant FY2017 $11,796 Federal
All remaining fiscal year 2017 federal budget amendment for the greater sage grouse habitat grant is authorized to continue into federal fiscal year 2019.
Central Management Division
Greater Sage Grouse Habitat Grant FY2017 $488,204 Federal
All remaining fiscal year 2017 federal budget amendment for the greater sage grouse habitat grant

is authorized to continue into federal fiscal year 2019."

13. Page 10.
Following: line 3
Insert: "Challenge Program
Youth Challenge Program Grant FY2017 $240,559 Federal
All remaining fiscal year 2017 federal budget amendment authority for the youth challenge program grant is authorized to continue into state fiscal year 2018.
Starbase
Starbase Youth Program FY2017 $264,259 Federal
All remaining fiscal year 2017 federal budget amendment authority for the starbase youth program is authorized to continue into state fiscal year 2018."

14. Page 10.
Following: line 26
Insert: "Montana Environmental Health Education and Assessment Program FY2017 $236,725 Federal"

15. Page 10, line 28.
Following: "disease"
Insert: ", for the Montana environmental health education and assessment program,"

16. Page 11.
Following: line 5
Insert: "Senior and Long-Term Care
All remaining fiscal year 2017 federal budget amendment authority for the Montana community choice partnership is authorized to continue into federal fiscal year 2019."

And, as amended, be concurred in.

LEGISLATIVE ADMINISTRATION (Keenan, Chair): 4/6/2017
HB 576, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/5/2017
HB 118, be amended as follows:

1. Title, page 1, line 6.
Following: "OFFICER;"
Insert: "ESTABLISHING REQUIREMENTS FOR SUICIDE PREVENTION GRANTS; IMPLEMENTING PORTIONS OF THE MONTANA NATIVE YOUTH SUICIDE REDUCTION STRATEGIC PLAN;"
Following: "PROVIDING"
Strike: "AN APPROPRIATION"
Insert: "APPROPRIATIONS"

2. Title, page 1, line 7.
Strike: "SECTION"
Insert: "SECTIONS 53-6-1201 AND"

3. Page 1, line 9 through line 19.
Strike: line 9 through line 19 in their entirety

4. Page 1, line 25.
Strike: "by January 1" through "must be"

5. Page 2, line 18 through line 19.
Strike: "communities" on line 18 through "activities" on line 19
Insert: "entities including but not limited to tribes, tribal and urban health organizations, local governments, schools, health care providers, professional associations, and other nonprofit and community organizations for development or expansion of evidence-based suicide prevention programs in accordance with the requirements of [section 2]"

6. Page 2.
Following: line 20
Insert: "NEW SECTION. **Section 2. Suicide prevention grants.** (1) The department of public health and human services shall administer a grant program from funds appropriated by the legislature for suicide prevention activities pursuant to this section.

(2) (a) To be eligible for a grant under this section, an entity shall demonstrate credible evidence to the department that the activity to be funded is effective in preventing suicide.

(b) An activity must be considered effective if it meets one or more of the following criteria:

(i) it has been cited as effective by peer-reviewed research or literature;

(ii) it was a formally adopted recommendation of the Montana suicide review team established in section 3, Chapter 353, Laws of 2013; or

(iii) it increases knowledge of and response to adverse childhood experiences."

Insert: "Section 3. Section 53-6-1201, MCA, is amended to read:

"53-6-1201. Special revenue fund -- health and medicaid initiatives. (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(d);

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-119(3)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to administer the plan and maximize enrollment of eligible children under the healthy Montana kids plan, provided for under Title 53, chapter 4, part 11, and to provide outreach to the eligible children;

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under

any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of new tax credits;

(e) funding new programs to assist eligible small employers with the costs of providing health insurance benefits to eligible employees;

(f) the cost of administering the tax credit, the purchasing pool, and the premium incentive payments and premium assistance payments as provided in Title 33, chapter 22, part 20; ~~and~~

(g) providing a state match for the medicaid program for premium incentive payments or premium assistance payments to the extent that a waiver is granted by federal law as provided in 53-2-216; and

(h) grants to schools for suicide prevention activities, for the biennium beginning July 1, 2017.

(4) (a) On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(b) Until the programs or credits described in subsections (3)(b) and (3)(d) through (3)(g) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section.""

Renumber: subsequent sections

7. Page 2, line 21 through line 23.
Strike: section 2 in its entirety
Renumber: subsequent sections

8. Page 2, line 24.
Insert: "NEW SECTION. **Section 4. Appropriations -- reporting requirements.** (1) (a) There is appropriated $500,000 from the tobacco settlement proceeds in the state special revenue account established in 17-6-603 to the department of public health and human services for the biennium beginning July 1, 2017, for grants made pursuant to 53-21-1101(2)(c)(v) and [section 2] for the prevention of suicides by Montanans, including veterans. (b) Grant activities funded pursuant to this subsection (1) must be provided or supervised by a health care provider as defined in 50-16-504(7).

(c) The legislature intends that the appropriation in this subsection (1) be considered a part of the ongoing base for the next legislative session.

(2) (a) There is appropriated $250,000 from the state special revenue account established in 53-6-1201 to the department of public health and human services for assisting with state and tribal efforts to implement the action steps of the Montana native youth suicide reduction plan published in January 2017.

(b) The legislature intends that the appropriation in this subsection (2) be a one-time-only appropriation.

(3) (a) There is appropriated $250,000 from the state special revenue account established in 53-6-1201 to the department of public health and human services to provide grants for school-based suicide prevention activities.

(b) The legislature intends that the appropriation in this subsection (3) be a one-time-only appropriation.

(4) The department shall report regularly to the appropriate interim committees on the use of the appropriations, including the activities undertaken by the department and by grantees.

(5) The grantees shall report at the end of the biennium on the outcomes of the grant activities and whether an objective decrease in the suicide rate occurred in their communities. The report must be provided to the department of public health and human services and to the 2019 joint appropriations subcommittee on health and human services."

Renumber: subsequent sections

9. Page 2.

Following: line 28

Insert: "NEW SECTION. **Section 6. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 53, chapter 21, part 11, and the provisions of Title 53, chapter 21, part 11, apply to [section 2]."

Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved and House Bill No. 2 contains a line item appropriation totaling $1 million to the department of public health and human services for suicide prevention and [this act] contains appropriations totaling $1 million to the department of public health and human services for use as provided in [section 4], then the appropriation in House Bill No. 2 is void."

Renumber: subsequent section

And, as amended, be concurred in.

HB 401, be concurred in.

HB 406, be amended as follows:

1. Page 2, line 6.

Following: "OFFICE."

Insert: "The individual may also testify in any court proceedings related to the case or complaint."

And, as amended, be concurred in.

HB 501, be concurred in.

TAXATION (Blasdel, Chair): 4/6/2017
SJ 23, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.
Following: "UTILITY"
Insert: ", CENTRALLY ASSESSED, AND INDUSTRIAL"

2. Page 1, line 9.
Strike: "class nine" through "utilities"
Insert: "centrally assessed property is included in class five, class nine, class twelve, class thirteen, class fourteen, class fifteen, and class sixteen"

3. Page 1, line 11.
Following: line 10
Insert: "WHEREAS, industrial property is included in class four and class eight; and"

4. Page 1, line 11.
Strike: "2015, class nine"
Insert: "2016, centrally assessed"

5. Page 1, line 12.
Strike: "about 2.66%"
Insert: "approximately 9.2%"
Strike: "13.78%"
Insert: "approximately 25.8%"

6. Page 1, line 13.
Following: line 12
Insert: " WHEREAS, the Legislature desires to review the tax rates, valuation methodology, and taxes paid by centrally assessed and industrial property in comparison to other classes of property and property ownership."

7. Page 1, line 13 through page 1, line 19.
Strike: line 13 through line 19 in their entirety

8. Page 1, line 25.
Following: "fairness"
Insert: ","
Strike: the first "and"
Following: "sustainability"
Insert: ", and legal basis"
Strike: "utility"
Insert: "centrally assessed and industrial"

9. Page 1, line 26.
Strike: ", including" through "property"

10. Page 1, line 27.
Strike: the first "property"
Insert: "total state"
Strike: the second "property"
Insert: "total state"

11. Page 1, line 29.
Strike: "fairness and predictability of the"

12. Page 1, line 30.
Following: "value"
Insert: ", as required by the Montana Constitution and statutory law,"

13. Page 2, line 3.
Strike: "appraisal"
Insert: "industrial property"

14. Page 2, line 4.
Following: "property,"
Insert: "the exemption of intangible personal property, and potential impacts on schools, local governments, and other property taxpayers,"

And, as amended, do pass.

HB 442, be amended as follows:

1. Page 4, line 2.
Strike: "property, not to exceed 500 acres"
Insert: "one public park"

2. Page 4, line 2 through line 3.
Strike: "and used" on line 2 through "park" on line 3

3. Page 6, line 4.
Following: "area of"
Insert: "contiguous"
Following: "land"
Insert: "not to exceed 500 acres"

And, as amended, be concurred in.

HB 554, be concurred in.

HB 574, be concurred in.
HB 583, be amended as follows:

1. Page 1, line 15.
Following: "forest land"
Insert: "or associated forest land management,"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 143**
Report No. 001, April 6, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 143** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 143** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "INCREASING" on line 6 through "WORK" on line 7
Insert: "REVISING THE CRITERIA TO BE MET FOR A RETIREE TO RETURN TO EMPLOYMENT"

2. Title, page 1, line 7.
Following: "CIRCUMSTANCES"
Insert: "WITHOUT LOSS OF RETIREMENT BENEFITS"

3. Page 1, line 17.
Strike: ":"
Insert: ","

4. Page 1, line 18.
Strike: "(a)"

5. Page 1, line 20.
Strike: "4"
Insert: "2"

6. Page 1, line 21.

Following: "if:"
Insert: "(a) for a member who retired on or before July 1, 2017:

7. Page 1, line 22.
Strike: "30"
Insert: "27"
Following: ";"
Insert: "and
(ii) the retired member had a break in service of at least 150 calendar days commencing on the first day following the member's date of termination.
(b) for a member who retired after July 1, 2017, the retired member completed 30 or more years of creditable service prior to retirement."

8. Page 1, line 23.
Strike: "(ii) the retired member holds"
Insert: "(2) A retired member reemployed under this section must hold"
Following: "20-4-106"
Strike: ";"
Insert: "."

9. Page 1, line 24.
Strike: "(iii) each"
Insert: "(3) (a) Each"
Following: "member"
Insert: "under this section"
Strike: "certifies"
Insert: "shall certify"

10. Page 1, line 27.
Strike: "; AND"
Insert: "."

11. Page 1, line 28.
Strike: "(iv) THE"
Insert: "The"
Strike: "VERIFIES"
Insert: "shall verify"

12. Page 1, line 29.
Following: "UNDER"
Insert: "this"
Strike: "(1)(A)(III);"
Insert: "(3)(a)."

13. Page 1, line 30.

Following: "(b)"
Strike: "the"
Insert: "The"
Strike: "required by this section"

14. Page 2, line 1.
Strike: ";"
Insert: "."

15. Page 2, line 2.
Strike: "upon"
Insert: "Upon"

16. Page 2, line 3.
Strike: "(a)(i)"

17. Page 2, line 4.
Strike: ";"
Insert: "."

18. Page 2, line 5.
Strike: "(d) a"
Insert: "(4) A"

19. Page 2, line 6.
Strike: "; and"
Insert: "."

20. Page 2, line 7.
Strike: "(e) the"
Insert: "(5) The"

21. Page 2, line 11.
Strike: "(2)"
Insert: "(6)"
Renumber: subsequent subsections

For the Senate:

Lang, Chair
Osmundson
F. Smith

For the House:

Staffanson, Vice Chair
Fern
Mandeville

MESSAGES FROM THE GOVERNOR

April 4, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Tuesday, April 4, 2017, I signed the following bills:

SB 103 - L. Jones
SB 115 - M. Moe

Sincerely,

STEVE BULLOCK
Governor

April 5, 2017

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following board, council and commission appointments:

Board of Crime Control
MCA 2-15-2006

! Mr. Tim Brurud, 302 20th Street, Havre, MT 59501, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Tim Brurud fulfills the qualifications of Youth Justice Council Representative for the Board.

! Mr. Jared Cobell, 1220 Buena Drive, Great Falls, MT 59404, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Jared Cobell fulfills the qualifications of Public Representative for the Board.

! Mrs. Adrianne Cotton, Department of Corrections, PO Box 201301, Helena, MT 59620, was appointed to serve a term starting April 5, 2017 and ending January 1, 2019. Mrs. Adrianne Cotton fulfills the qualifications of Law Enforcement Representative for the Board.

! Chief Chief Bill Dial, 8 Ridgecrest Ct., Whitefish, MT 59937, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Chief Chief Bill Dial fulfills the qualifications of Law Enforcement Representative for the Board.

! Sheriff Sheriff Leo Dutton, Lewis and Clark County, 221 Breckenridge, Helena, MT 59601, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Sheriff Sheriff Leo Dutton fulfills the qualifications of Law Enforcement Representative for the Board.

! Attorney General Tim Fox, PO Box 201401, Helena, MT 59620, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Attorney General Tim Fox fulfills the qualifications of Attorney General for the Board.

! Mr. Wyatt Glade, Custer County Attorney, 1010 Main Street, Miles City, MT 59301, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Wyatt Glade fulfills the qualifications of Law Enforcement Representative for the Board.

! Mrs. Jennie Hansen, PO Box 516, Huntley, MT 59037, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mrs. Jennie Hansen fulfills the qualifications of Community Corrections for the Board.

! Commissioner Commissioner Laura Obert, PO Box 196, Townsend, MT 59644, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Commissioner Commissioner Laura Obert fulfills the qualifications of Chair, Local Government, Youth Justice Council Representative for the Board.

! Ms. Olivia Rieger, 121 South Douglas, Glendive, MT 59330, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Ms. Olivia Rieger fulfills the qualifications of Public Representative for the Board.

! Ms. Geri Small, PO Box 378, Lame Deer, MT 59043, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Ms. Geri Small fulfills the qualifications of Professional and Community Organizations for the Board.

! Mr. Derek VanLuchene, 1125 Choteau Street, Helena, MT 59601, was appointed to serve a term starting April 5, 2017 and ending January 1, 2019. Mr. Derek VanLuchene fulfills the qualifications of Public Representative for the Board.

Board of Public Education
MCA 2-15-1508

! Mrs. Anne Keith, 101 N. Choteau Avenue, Bozeman, MT 59718, was appointed to serve a term starting April 5, 2017 and ending February 1, 2024. Mrs. Anne Keith fulfills the qualifications of District 1, Independent for the Board.

Fish and Wildlife Commission
MCA 2-15-3402

! Mr. Logan Brower, PO Box 325, Scobey, MT 59263, was appointed to serve a term starting April 5, 2017 and ending January 1, 2019. Mr. Logan Brower fulfills the qualifications of District 4 for the Commission.

! Mr. Richard Stuker, 1155 Boldt Road, Chinook, MT 59523, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Richard Stuker fulfills the qualifications of District 3, experienced in the breeding and management of domestic livestock for the Commission.

! Mr. Greg Tollefson, 634 East Kent Ave, Missoula, MT 59801, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Greg Tollefson fulfills the qualifications of District 1 for the Commission.

! Mr. Matthew Tourtlotte, 312 Morningside Ln. N. Billings, MT 59105, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Matthew Tourtlotte fulfills the qualifications of District 5 for the Commission.

Board of Trustees for the Montana Historical Society
MCA 22-3-104

! Mr. Sam Phares, PO Box 60, Clyde Park, MT 59018, was appointed to serve a term starting April 5, 2017 and ending July 1, 2020. Mr. Sam Phares fulfills the qualifications of Public Representative for the Board.

! BG (Ret.) Hal Stearns, 400 Benton Avenue, Missoula, MT 59801, was appointed to serve a term starting April 5, 2017 and ending July 1, 2017. BG (Ret.) Hal Stearns fulfills the qualifications of Historian for the Board.

Board of Housing
MCA 2-15-1814

! Mr. Johnnie McClusky, PO Box 30918, Billings, MT 59101, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Johnnie McClusky fulfills the qualifications of Member informed and experienced in housing, economics or finance for the Board.

! Mr. Pat Melby, 45 Comstock Road, Helena, MT 59601, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Pat Melby fulfills the qualifications of Chair, Attorney for the Board.

! Mr. Eric Schindler, 1 Reeders Village Drive, Helena, MT 59601, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Eric Schindler fulfills the qualifications of Member informed and experienced in housing, economics or finance for the Board.

! Ms. Amber Sundsted, 1902 Story Meadow Lane, Billings, MT 59101, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Ms. Amber Sundsted fulfills the qualifications of Member informed and experienced in housing, economics or finance for the Board.

Board of Livestock
MCA 2-15-3102

! Mrs. Nina Baucus, 1600 Chevallier Drive, Wolf Creek, MT 59648, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2023. Mrs. Nina Baucus fulfills the qualifications of Cattle producer for the Board.

! Ms. Sue Brown, 3380 Penwell Bridge Road, Belgrade, MT 59714, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2023. Ms. Sue Brown fulfills the qualifications of Dairy producer representing the dairy and poultry industry for the Board.

! Mr. Ed Waldner, 1145 Dugout Road, Chester, MT 59522, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2023. Mr. Ed Waldner fulfills the qualifications of Swine producer for the Board.

Livestock Loss Board
MCA 2-15-3110

! Mr. Jim Cross, 618 Leisure Drive, Kalispell, MT 59901, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Jim Cross fulfills the qualifications of Member of the general public who is or has been actively involved in wildlife conservation or wildlife management and who has knowledge and experience with regard to livestock production or management for the Board.

! Ms. Doreen Gillespie, 1277 Hjartarson Road, Ethridge, MT 59435, was appointed to serve a term starting April 5, 2017 and ending January 1, 2021. Ms. Doreen Gillespie fulfills the qualifications of Member actively involved in the livestock industry who has knowledge and eperience with regard to wildlife impacts or management for the Board.

! Dr. Seth Wilson, 130 Pattee Creek Drive, Missoula, MT 59801, was reappointed to serve

a term starting April 5, 2017 and ending January 1, 2021. Dr. Seth Wilson fulfills the qualifications of Member of the general public who is or has been actively involved in wildlife conservation or wildlife management and who has knowledge and experience with regard to livestock production or management for the Board.

Board of Milk Control
MCA 2-15-3105

! Mr. Brian Beerman, 341 9th Lane N.E., Fairfield, MT 59436, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Brian Beerman fulfills the qualifications of Not connected to the industry and not a public officer, Republican for the Board.

! Mr. Jim Parker, 248 County Line Road, Fairfield, MT 59436, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Jim Parker fulfills the qualifications of Not connected to the industry and not a public officer, Democrat for the Board.

! Mr. Erik Somerfeld, PO Box 14, Power, MT 59468, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Erik Somerfeld fulfills the qualifications of Not connected to the industry and not a public officer, Democrat for the Board.

Board of Optometry
MCA 2-15-1736

! Dr. Dr. Marcus Kelley, 363 S. Harrison Avenue, Helena, MT 59601, was reappointed to serve a term starting April 5, 2017 and ending April 1, 2021. Dr. Dr. Marcus Kelley fulfills the qualifications of Registered optometrist for the Board.

! Dr. Dr. Kristi Schied, 2203 Broadwater Avenue, Billings, MT 59102, was appointed to serve a term starting April 5, 2017 and ending April 1, 2021. Dr. Dr. Kristi Schied fulfills the qualifications of Registered optometrist for the Board.

Board of Personnel Appeals
MCA 2-15-1705

! Mrs. Rina Moore, 200 13th Street North, Great Falls, MT 59401, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mrs. Rina Moore fulfills the qualifications of Management employee in an organization with collective bargaining units or who represents management in collective bargaining activities for the Board.

! Mr. Quint Nyman, PO Box 5600, Helena, MT 59604, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Quint Nyman fulfills the qualifications of Full-time employee or elected official of a labor union or an association recognized by the board for the Board.

! Mr. Jim Soumas, 6855 Trailake Drive, Billings, MT 59106, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Jim Soumas fulfills the qualifications of Full-time employee or elected official of a labor union or an association recognized by the board for the Board.

Public Employees' Retirement Board
MCA 2-15-1009

! Ms. Julie McKenna, 701 Logan Street, Helena, MT 59601, was reappointed to serve a term starting April 5, 2017 and ending April 1, 2022. Ms. Julie McKenna fulfills the qualifications of Public employee who is an active member of a public retirement system for the Board.

Unemployment Insurance Appeals Board
MCA 2-15-1704

! Mr. Brian Boland, 1215 6th Ave North, Great Falls, MT 59401, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mr. Brian Boland fulfills the qualifications of Chair, Member of the public who is not an employee of state government for the Board.

! Mrs. Sara Novak, 1608 W. Park Ave, Anaconda, MT 59711, was reappointed to serve a term starting April 5, 2017 and ending January 1, 2021. Mrs. Sara Novak fulfills the qualifications of Substitute board member, member of the public who is not an employee of state government for the Board.

I have included the appointees' resumes, biographies, or application materials, for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/5/2017

SB 60, introduced by C. Wolken
SB 139, introduced by D. Ankney
SB 287, introduced by L. Jones

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2017

SB 42, introduced by D. Barrett
SB 44, introduced by G. Vance
SB 99, introduced by C. Smith
SB 158, introduced by M. MacDonald
SB 268, introduced by S. Fitzpatrick
SB 270, introduced by D. Kary
SB 284, introduced by M. Lang
SB 286, introduced by F. Moore
SB 291, introduced by T. Facey
SB 292, introduced by T. Facey

HB 145 - The House failed to concur in Senate amendments to **HB 145,** authorized the Speaker to appoint the following Free Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 145:** 4/5/2017

Representative Z. Brown
Representative Grubbs
Representative Trebas

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 27, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.
SJ 28, introduced by D. Ankney, M. Blasdel, J. Hinkle, D. Howard, D. Kary, M. MacDonald, M. McNally, T. Richmond, J. Sesso, C. Smith, F. Thomas, R. Webb, J. Welborn, referred to State Administration.
SJ 29, introduced by D. Ankney, M. Blasdel, D. Brown, E. Buttrey, T. Gauthier, D. Howard, D. Kary, T. Richmond, J. Sesso, C. Smith, F. Thomas, J. Welborn, referred to State Administration.

The following Senate joint resolution was introduced and read first time:
SJ 30, introduced by F. Thomas, R. Ehli.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on

second reading, recommend as follows:

SB 175 - **House Amendments** - Senator R. Webb moved House amendments to **SB 175** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 176 - **House Amendments** - Senator R. Webb moved House amendments to **SB 176** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 189 - **Governor's Amendments** - Senator K. Regier moved Governor's amendments to **SB 189** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207 - **House Amendments** - Senator Moore moved House amendments to **SB 207** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 45

Nays: Boland, Malek, Pomnichowski, Smith F, Whitford.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 9 - Senator Vincent moved **HJ 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 541 - Senator Thomas moved **HB 541** be concurred in.

HB 541 - Senator Thomas moved **HB 541**, second reading copy, be amended as follows:

1. Page 2, line 8.
Strike: "12,000"
Insert: "60,000"

2. Page 2, line 12.
Following: "each brewery license"
Insert: "and at no more than three locations including affiliated manufacturers"

3. Page 2, line 15.
Following: "business day."
Insert: "No more than 2,000 barrels may be provided annually for on premises consumption including all affiliated manufacturers."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Salomon, Sands, Smith F, Swandal, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Brown, Buttrey, Connell, Gauthier, Jones, Kary, Keenan, Lang, Moore, Osmundson, Richmond, Sesso, Small, Smith C, Tempel, Vance, Vincent, Webb, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 541 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, MacDonald,

Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Brown, Kary, Keenan, Olszewski, Osmundson, Smith C, Tempel, Vance.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 44 - Senator Osmundson moved **HB 44** be concurred in.

HB 44 - Senator Osmundson moved **HB 44**, second reading copy, be amended as follows:

1. Page 1, line 26.
Following: "~~district~~"
Insert: "(1)"

2. Page 1, line 27.
Following: "2019."
Insert: "(2)"

3. Page 1, line 29.
Following: "2018"
Insert: "for a term ending December 31, 2020, and, if elected, a subsequent 6-year term to begin January 1, 2021"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 44 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 77 - Senator Osmundson moved **HB 77** be concurred in.

HB 77 - Senator Swandal moved **HB 77**, second reading copy, be amended as follows:

1. Page 21, line 27 through line 29.
Strike: subsection (6) in its entirety

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 77 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 141 - Senator Fitzpatrick moved **HB 141** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Hinkle, Kary, Regier, Smith C, Vance.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 372 - Senator Olszewski moved **HB 372** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Brown, Caferro, Cohenour, Connell.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 386 - Senator Sands moved **HB 386** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 474 - Senator Facey moved consideration of **HB 474** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 517 - Senator Sands moved **HB 517** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Fielder, Hinebauch, Hinkle.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 21 - Senator Sands moved **SJ 21** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 216 - **House Amendments** - Senator Thomas moved House amendments to **SB 216** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 123 - Senator C. Smith moved **HB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance,

Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 144 - Senator Whitford moved **HB 144** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 449 - Senator Facey moved **HB 449** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 458 - Senator Caferro moved **HB 458** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 15 - Senator Vincent moved consideration of **HJ 15** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 219 - Senator Connell moved **HB 219** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 287 - Senator R. Webb moved **HB 287** be concurred in.

HB 287 - Senator Kary moved **HB 287**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "ADDRESS;"
Strike: "AND"

2. Title, page 1, line 8.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 3, line 11.
Strike: "biennially"
Insert: "annually"

4. Page 3, line 18.
Strike: "even-numbered"

5. Page 3, line 19.
Strike: "even-numbered"

6. Page 4, following line 9.
Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates December 31, 2020."

Amendment **not adopted** as follows:

Yeas: Blasdel, Brown, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, McNally, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 21

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Jones, Lang, MacDonald, Malek, McClafferty, Moore, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 287 - Thereupon, the Senate reverted to the original motion of Senator R. Webb which passed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips,

Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 31

Nays: Blasdel, Brown, Buttrey, Fielder, Hinebauch, Hinkle, Howard, Keenan, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 389 - Senator Olszewski moved **HB 389** be concurred in. Senator Olszewski disclosed he is a physician who practices tele-medicine. Motion **failed** as follows:

Yeas: Brown, Fielder, Fitzpatrick, Howard, Jones, MacDonald, Olszewski, Salomon, Smith C, Tempel, Thomas, Vincent.
Total 12

Nays: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 38

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 389 - Majority Leader Thomas moved **HB 389** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Howard.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 401 - Senator Swandal moved **HB 401** be concurred in. Motion **failed** as follows:

Yeas: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 401 - Majority Leader Thomas moved **HB 401** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Regier, Smith C.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 406 - Senator D. Brown moved **HB 406** be concurred in. Motion **failed** as follows:

Yeas: Blasdel, Brown, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 23

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 406 - Majority Leader Thomas moved **HB 406** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Blasdel, Brown, Hinebauch, Hinkle, Kary, Moore, Olszewski, Regier, Smith C, Thomas, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 501 - Senator Osmundson moved **HB 501** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vincent,

Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 474 - Senator Connell moved **HB 474** be concurred in.

HB 474 - Senator Facey moved **HB 474**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "A DELAYED"
Insert: "AN IMMEDIATE"

2. Page 1, line 29 through page 2, line 3.
Strike: "LIQUOR PROVIDED" on line 29 through "ON PREMISES." on page 2, line 3

3. Page 2, line 9 through line 10.
Strike: "JANUARY" on line 9 through "2019" on line 10
Insert: "on passage and approval"

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hinkle, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 24

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Richmond, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 474 - Thereupon, the Senate reverted to the original motion of Senator Connell which **failed** as follows:

Yeas: Ankney, Brown, Connell, Jones, Keenan, Olszewski, Osmundson, Richmond, Salomon, Small, Smith F, Swandal, Vance, Welborn.
Total 14

Nays: Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Sands, Sesso, Smith C, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 36

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 474 - Majority Leader Thomas moved **HB 474** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 47

Nays: Caferro, Keenan, Welborn.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 15 - Senator Vincent moved **HJ 15** be concurred in.

HJ 15 - Senator Phillips moved **HJ 15**, second reading copy, be amended as follows:

1. Title, page 1, line 16 through line 17.
Strike: "INTRODUCE" on line 16 through "LEGISLATION TO" on line 17
Insert: "SUPPORT THE"
Following: "RETURN"
Insert: "OF"

2. Page 3, line 9 through line 10.
Strike: line 9 through line 10 in their entirety

3. Page 3, line 17.
Strike: "BE" through "THAT"
Insert: "That"

4. Page 3, line 27 through line 29.
Strike: line 27 through line 29 in their entirety

Amendment **not adopted** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 15 - Thereupon, the Senate reverted to the original motion of Senator Vincent which passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 36

Nays: Barrett, Boland, Caferro, Facey, Gross, Malek, McClafferty, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: MacDonald, Malek, Smith F, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 61 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 47

Nays: Malek, Smith F, Whitford.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 70 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 40

Nays: Blasdel, Brown, Hinebauch, Hinkle, Howard, Keenan, Regier, Smith C, Vance, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 94 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr.President.
Total 43

Nays: Cohenour, MacDonald, Malek, Smith F, Vincent, Whitford, Wolken.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 131, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 368 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 424 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 445 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Brown, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 466 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 564 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance,

Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Howard, MacDonald, Malek, Smith C.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 6 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 40

Nays: Blasdel, Hinebauch, Hinkle, Kary, Keenan, Osmundson, Smith C, Vance, Vincent, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/5/2017
HB 589, be amended as follows:

1. Page 1, line 11.
Strike: "being served"
Insert: "receiving targeted case management services"

2. Page 1, line 14 through line 15.
Strike: "who have" on line 14 through "health" on line 15
Insert: "receiving targeted case management"

3. Page 1, line 22.

Strike: "a child's success in"
Insert: "the"
Following: "school"
Insert: "success of a child receiving targeted case management services"

4. Page 1, line 26.
Following: "a child"
Insert: "receiving targeted case management services"

And, as amended, be concurred in.

Without objection, committee report was adopted.

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 145**. Without objection, so ordered. President Sales appointed: 4/6/2017

Senator Buttrey, Chair
Senator Pomnichowski
Senator Vance

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 280**. Without objection, so ordered. President Sales appointed: 4/6/2017

Senator K. Regier, Chair
Senator Sands
Senator Vincent

Majority Leader Thomas moved the Senate **suspend joint rule 40-150**, related to the engrossing requirement, and allow bills which have been heard on second reading to be placed on third reading the same legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Brown, Keenan, Olszewski, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 a.m., Friday, April 7, 2017. Motion carried.

Senate adjourned at 4:03 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 7, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Fielder. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present. Senator Thomas excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/7/2017
Correctly printed: **SR 6**, **SJ 21**, **SJ 24**, **SJ 27**, **SJ 28**, **SJ 29**, **HB 123**, **HB 141**, **HB 144**, **HB 216**, **HB 219**, **HB 287**, **HB 365**, **HB 372**, **HB 386**, **HB 449**, **HB 458**, **HB 501**, **HB 517**, **HB 554**, **HB 574**, **HB 576**, **HJ 9**, **HJ 15**.
Correctly engrossed: **HB 187**, **HB 224**, **HB 325**, **HB 550**, **HB 589**, **HB 604**.
Examined by the sponsor and found to be correct: **SB 17**, **SB 60**, **SB 139**, **SB 287**.
Transmitted to the House: **SJ 21**, **HB 44**, **HB 61**, **HB 70**, **HB 77**, **HB 94**, **HB 123**, **HB 141**, **HB 144**, **HB 219**, **HB 287**, **HB 368**, **HB 372**, **HB 386**, **HB 424**, **HB 445**, **HB 449**, **HB 458**, **HB 466**, **HB 517**, **HB 541**, **HB 564**, **HJ 6**, **HJ 9**, **HJ 15**.
Delivered to the Secretary of State at 8:30 a.m., April 7, 2017: **SR 4**.

COMMUNICATIONS AND PETITIONS

A proclamation of the Montana Legislature commending and recognizing Zeesy Burk who has been named Montana's 2017 Champion Child and represents all Montana children facing serious medical challenges.

NOW THEREFORE, BE IT RESOLVED by the 65th Montana Legislature that the members of this body honor Zeesy Burk for her courage and determination in the face of significant medical challenges, and convey to her their sincere wishes for memorable experiences during her year as Montana's Champion Child.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/6/2017
SJ 24, do pass.
HB 325, be amended as follows:

1. Title, page 1, line 10.
Strike: "AN EXEMPTION"
Insert: "A SMALL HERD EXEMPTION REGISTRATION AND FEE"

2. Title, page 1, line 11.
Following: "MILK;"
Insert: "PROVIDING FOR HERD SHARING; REQUIRING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES TO ADMINISTER SMALL HERD EXEMPTION REGISTRATION; EXEMPTING CERTAIN INDIVIDUALS FROM PARTICULAR PRODUCTION, USE, AND SALES REQUIREMENTS; PROVIDING LABELING AND NOTIFICATION REQUIREMENTS; PROVIDING GOVERNMENTAL IMMUNITY; PROVIDING RULEMAKING AUTHORITY;"
Following: "SECTIONS"
Strike: "81-2-101,"
Strike: "81-2-105, 81-21-101,"

3. Title, page 1, line 12.
Following: "81-21-103,"
Insert: "81-21-104, 81-21-105,"
Following: "81-22-102,"
Strike: "81-23-103, 81-23-401, AND 81-23-405""
Insert: "81-22-202, 81-22-303, 81-22-304, 81-22-413, 81-22-415, 81-22-416, 81-22-501, AND 81-23-106"

4. Page 1, line 18.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Small herd exemption registration -- application -- rules -- immunity from liability.** (1) The department shall issue small herd exemption registrations for the sale of raw milk and raw milk products as allowed under [sections 1 through 4]. The holder of a small herd exemption registration who meets the requirements of [sections 1 through 4] is exempt from the licensing, sanitation, quality, and labeling requirements provided in Title 81, chapter 22, or this part, unless otherwise specified in Title 81, chapter 22, or this part.

(2) The department shall issue a small herd exemption registration to a person who produces raw milk or raw milk products for human consumption:

(a) if the person's dairy herd is:

(i) composed of 10 or fewer lactating cows, 20 or fewer lactating goats, or 20 or fewer lactating sheep, except that the dairy herd may include other cows, goats, or sheep that are not lactating or are producing milk for purposes other than human consumption;

(ii) tested at least annually according to standards set by department rule for brucellosis unless the department determines a brucella ring test regimen is adequate in lieu of the annual test; and

(iii) registered by the department; and

(b) if the raw milk and raw milk products produced by the person's dairy herd are:

(i) all produced and processed on the same premises;

(ii) cooled to 45 degrees F or less within 2 hours after milking; and

(iii) tested at least four times in separate months during any consecutive 6-month period for bacteria, coliform, and somatic cells pursuant to [section 2].

(3) An application for a small herd exemption registration must be made on a form provided by the department and must include:

(a) the street address of the physical location of the small herd for which the application is being made;

(b) the mailing address of the applicant; and

(c) the fee determined by the department pursuant to 81-21-102.

(4) A small herd exemption registration:

(a) is valid on the date issued and expires on December 31 of that year unless suspended or revoked by the department;

(b) may be renewed by January 31 following the expiration date if the registrant submits a renewal application form and the renewal fee to the department;

(c) must be posted in conspicuous view on the premises;

(d) is not transferable to another person; and

(e) is valid only for the physical location of the small herd listed in the application.

(5) (a) Distribution of raw milk to an individual who has an ownership in a dairy animal or a herd of dairy animals is not subject to the provisions of this section.

(b) An individual receiving raw milk under subsection (5)(a) must have a written bill of sale showing purchase of ownership interest in a dairy animal or a herd of dairy animals.

(6) The department shall adopt rules to implement the provisions of [sections 1 through 4].

(7) The state is immune from suit for injury to a person who consumes raw milk sold or provided by a person operating a small dairy under this part."

Insert: "NEW SECTION. **Section 2. Testing for small herd exemption registration.** (1) Subject to subsection (2), the results of a test conducted as required in [section 1] must confirm that counts of bacteria, coliform, and somatic cells in raw milk or raw milk products produced by animals on the premises for which a small herd exemption is applied for, issued, or renewed do not exceed:

(a) bacteria greater than 15,000 per milliliter;

(b) coliform greater than 25 per milliliter; or

(c) somatic cells greater than 500,000 per milliliter for cow's milk or 750,000 per milliliter for goat's or sheep's milk.

(2) If three or more in any five consecutive counts of bacteria, coliform, or somatic cells exceed the limits provided in subsection (1), the raw milk and raw milk products produced by the registrant may not be offered for human consumption until subsequent testing shows that the raw milk and raw milk products comply with the requirements of subsection (1).

(3) (a) The tests and sampling required for the tests in this section must be conducted pursuant to an appropriate test method listed in Standard Methods for the Examination of Dairy Products, current edition--American Public Health Association, Inc.

(b) Testing must be performed by the Montana veterinary diagnostic laboratory or by an independent laboratory.

(c) The person who produces raw milk or raw milk products is responsible for testing costs.

(d) A registrant shall submit test results to the department and shall provide raw milk and raw milk product quality test results to an individual who has purchased raw milk or milk products if the individual makes the request within 6 months of the purchase date."

Insert: "NEW SECTION. **Section 3. Direct sales by small herd exemption registrant -- certain sales prohibited -- labeling -- immunity from liability.** (1) (a) A person operating under a small herd exemption registration may not sell or otherwise provide raw milk or raw milk products produced by the registrant to a person for resale but may sell those items directly to a consumer, a member or guest of the registrant's family, or the registrant's employee.

(b) The restriction provided in subsection (1)(a) includes restricting the registrant from selling raw milk or raw milk products for resale to a retail food establishment licensed under Title 50, chapter 50, or a wholesale food establishment licensed under Title 50, chapter 57.

(2) (a) All products sold by a registrant directly to the public under this section must be sold on the premises for which the small herd exemption registration is issued and, except as provided in subsection (2)(b), must:

(i) meet the labeling requirement of 81-22-413 and 81-22-415; and

(ii) be in a container with a label that reads: "This product, which is sold for personal use and not for resale, is fresh whole milk that has not been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the state of Montana."

(b) A person who purchases or otherwise obtains products under this section may have the registrant transfer the products into a container provided by the person obtaining the products. The registrant is not required to label the container.

(3) The registrant shall post in a conspicuous place on the premises a sign of at least 1 x 2 feet that states in large, clear print: "This product, which is sold for personal use and not for resale, is fresh whole milk that has not been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the state of Montana."

(4) The sale of raw milk or raw milk products by a small herd exemption registrant is not subject to pricing controls under Title 81, chapter 23."

Insert: "NEW SECTION. **Section 4. Penalty.** A registrant who violates the provisions of [sections 1 through 3] is subject to a registration suspension by the department. The department shall lift a suspension when the violation has been corrected."

Insert: "Section 5. Section 81-2-102, MCA, is amended to read:

"81-2-102. Powers of department. (1) The department may:

(a) supervise the sanitary conditions of livestock in this state, under the provisions of the constitution and statutes of this state and the rules adopted by the department. The department may quarantine a lot, yard, land, building, room, premises, enclosure, or other place or section in this state that is or may be used or occupied by livestock and that in the judgment of the department is infected or contaminated with an infectious, contagious, communicable, or dangerous disease or disease-carrying medium by which the disease may be communicated. The department may quarantine livestock in this state when the livestock is affected with or has been exposed to disease or disease-carrying medium. The department may prescribe treatments and enforce sanitary rules that are necessary and proper to circumscribe, extirpate, control, or prevent the disease.

(b) foster, promote, and protect the livestock industry in this state by the investigation of diseases and other subjects related to ways and means of prevention, extirpation, and control of diseases or to the care of livestock and its products and to this end may establish and maintain a laboratory, may make or cause to be made biologic products, curatives, and preventative agents, and may perform any other acts and things as may be necessary or proper in the fostering, promotion, or protection of the livestock industry in this state;

(c) impose and collect fees that the department considers appropriate for the tests and services performed by it at the laboratory or elsewhere and for biologic products, curatives, and preventative agents made or caused to be made by the department. In fixing these fees, the department shall take into consideration the costs, both direct and indirect, of the tests, services, products, curatives, and agents. All fees must be deposited in the state special revenue fund for

the use of the animal health functions of the department.

(d) subject to subsection (2), adopt rules and orders that it considers necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting livestock and alternative livestock in this state;

(e) (i) adopt rules and orders that it considers necessary or proper for the inspection, testing, and quarantine of all livestock and alternative livestock imported into this state; and

(ii) adopt rules and orders that it considers necessary or proper governing inspections and tests of livestock and alternative livestock intended for importation into this state to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting livestock and alternative livestock;

(f) adopt rules and orders that it considers necessary or proper for the supervision, inspection, and control of the standards and sanitary conditions of slaughterhouses, meat depots, meat and meat food products, dairies, milk depots, milk and its byproducts, barns, dairy cows, factories, and other places and premises where meat or meat foods, milk or its products, or any byproducts thereof intended for sale or consumption as food are produced, kept, handled, or stored. An authorized representative of the department may take samples of a product so produced, kept, handled, or stored for analysis or testing by the department. The records of the samples and their analysis and test, when identified as to the sample by the oath of the officer taking it and verified as to the analysis or test by the oath of the chemist or bacteriologist making it, are prima facie evidence of the facts set forth in them when offered in evidence in a prosecution or action at law or in equity for violation of 81-9-201, 81-20-101, 81-21-102, 81-21-103, [section 2], part 1, 2, or 3 of this chapter, or a rule or order of the board adopted thereunder. These standards, insofar as they relate to dairies or milk and its byproducts, may not include standards of weight or measurement.

(g) adopt rules and orders that seem necessary or proper for the supervision and control of manufactured and refined foods for livestock and the manufacture, importation, sale, and method of using a biologic remedy or curative agent for the treatment of diseases of livestock. However, as far as practicable, the standards approved by the United States department of agriculture must be adopted.

(h) install an adequate system of meat inspection in accordance with 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236 that must provide ways and means for shipping home-grown and home-killed meats into any city in this state. As far as practicable, the rules must conform with the meat-inspection requirements of the United States department of agriculture.

(i) slaughter or cause to be slaughtered any livestock in this state known to be affected with or that has been exposed to an infectious, contagious, communicable, or dangerous disease, when the slaughter is necessary for the protection of other livestock, and destroy or cause to be destroyed all barns, stables, sheds, outbuildings, fixtures, furniture, or personal property infected with any infectious, contagious, communicable, or dangerous disease when they cannot be thoroughly cleaned and disinfected and the destruction is necessary to prevent the spreading of the disease;

(j) indemnify the owner of any property destroyed by order of the department or pursuant to any rules adopted by the department under 81-20-101, 81-21-102, 81-21-103, or part 1, 2, or 3 of this chapter;

(k) require persons, firms, and corporations engaged in the production or handling of meat, meat food products, dairy products, or any byproducts thereof to furnish statistics of the quantity and cost of the food and food products produced or handled and the name and address of persons

supplying them any of the products.

(2) (a) As used in subsection (1)(d), "order" means a command, direction, or instruction issued by the department, board, or board's administrator in circumstances that clearly constitute an existing imminent peril to the public health, safety, or welfare or to animal health or welfare.

(b) An order under subsection (1)(d) may last no more than 5 years and may be altered or rescinded as necessary to address the circumstances set out in subsection (1)(d). An order may not be used to create a permanent program.

(c) As used in subsection (2)(b), "program" means a legislatively or administratively created function, project, or duty of an agency.

(3) When in the exercise of its powers or the discharge of its duties it becomes necessary for employees of the department to investigate facts and conditions, they may administer oaths, take affidavits, and compel the attendance and testimony of witnesses.

(4) The department's authority under subsection (1)(f) for a small herd exemption registrant is limited to inspections related to investigating the potential source of an illness or outbreak of a disease.""

Insert: "Section 6. Section 81-21-102, MCA, is amended to read:

"81-21-102. Licensing and registering of milk plants and dairies selling milk or cream for public consumption. (1) (a) It is unlawful for the following businesses to operate in this state without first obtaining a license from the department:

~~(a)~~(i) a dairy, except a dairy operating under a small herd exemption registration, selling milk or cream for public consumption in the form in which it is originally produced;

~~(b)~~(ii) a condensed, evaporated, or powdered milk plant;

~~(c)~~(iii) a fluid milk plant.

(b) A dairy operating under a small herd exemption registration must have a valid small herd exemption registration as provided in [section 1].

(2) (a) A license expires on December 31 of the year issued. The department may, following the procedures in the Montana Administrative Procedure Act, deny, suspend, or revoke a license when it determines that a person to whom the license is issued has failed to comply with the rules of the department or has failed to conduct the person's establishment in a sanitary manner. All license fees collected must be deposited into the general fund.

(b) The department shall use revenue from small herd exemption registration and renewal fees established in subsection (5) to offset the costs of administering the small herd registration.

(3) The department may issue a restraining order prohibiting a dairy from selling or giving away milk or cream not produced or handled under the laws of this state or the rules of the department. It is unlawful for a dairy, while restrained, to sell or give away for public consumption milk or cream produced or handled by the dairy, and it is also unlawful for a dairy products manufacturing plant, milk plant, or cream station to purchase or use the cream or milk from a dairy while the dairy is restrained.

(4) The department shall establish license fees for the following facilities:

(a) a condensed, evaporated, or powdered milk factory;

(b) a fluid milk plant; and

(c) a dairy.

(5) The department shall establish a fee of up to $20 for issuing or renewing a small herd exemption registration.

~~(5)~~(6) A person violating this section is guilty of a misdemeanor.""

Insert: "Section 7. Section 81-21-103, MCA, is amended to read:

"81-21-103. Exceptions of certain producers of dairy products. (1) (a) The owners or operators of dairies, creameries, butter factories, cheese factories, or other places of business engaged in the production, storage, or transportation of dairy products are not required to procure a license from the department of public health and human services for the business of production, storage, or transportation of these food products.

(b) As used in subsection (1)(a), "dairies" includes dairies operating under a small herd exemption registration.

(2) This section does not limit:

(a) the supervision or regulation by the department of public health and human services of the sanitary condition of a restaurant, hotel, boardinghouse, or retail market or the products sold or offered for sale at those facilities; or

(b) the duties imposed by law on the department of public health and human services to make sanitary rules for the eradication or control of an epidemic of human disease that may exist in a community.""

Insert: "Section 8. Section 81-21-104, MCA, is amended to read:

"81-21-104. Injunctive remedies. (1) ~~The~~ Except as provided in subsection (2), the department may apply for and the court may grant a temporary or permanent injunction restraining any person from violating the provisions of this chapter or rules adopted under 81-2-102, notwithstanding the existence of other remedies at law. When the application of other remedies has been insufficient to compel action to control, extirpate, or prevent the spread of disease or upon a showing that an animal disease emergency exists and that other remedies probably would be insufficient to compel action to control the emergency, the department may apply for and the court may grant mandatory injunctive relief.

(2) A person violating the provisions of [sections 1 through 3] is subject only to the penalty provided in [section 4].""

Insert: "Section 9. Section 81-21-105, MCA, is amended to read:

"81-21-105. Penalty -- exception. (1) ~~Any~~ Except as provided in subsection (2), any person, persons, firm, or corporation violating any provision of this chapter, or the rule or order promulgated by authority of 81-2-102, shall be guilty of a misdemeanor. Violations of this chapter shall be tried without undue delay in any court of competent jurisdiction.

(2) A person, firm, or corporation violating any provision of [sections 1 through 3] is subject only to the penalty provided in [section 4].""

Insert: "Section 10. Section 81-22-101, MCA, is amended to read:

"81-22-101. Definitions. For the purpose of this chapter, the following definitions are adopted:

(1) "Agent" means a person who is authorized by another person to act for that other person in dealing with a third person.

(2) "Butter" is the clean, nonrancid product made by gathering the fat of fresh ripened milk or cream into a mass that also contains a small portion of the other milk constituents, with or without salt, and must contain not less than 80% of milk fat. No tolerance for deficiency in milk fat is permitted. Butter may also contain added coloring matter.

(3) "Cheese" is the sound, solid, and ripened product made from milk or cream by coagulating the casein with rennet or lactic acid, with or without ripening ferments and seasoning, and must contain in the water-free substance not less than 50% of milk fat and not more than 39%

of moisture. Cheese may also contain added coloring matter.

(4) "C.I.P." means the procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation when this procedure meets the 3-A accepted practices for permanently installed sanitary product-pipelines and cleaning systems.

(5) "Code of Federal Regulations" refers especially but is not limited to Title 21, which contains the definitions and standards of identity for products as established by the food and drug administration, United States department of health and human services.

(6) "Cream" means the milk fat that rises to the surface when milk is allowed to stand or that is separated from milk by centrifugal force when sold, used, or intended for use in a manufactured product.

(7) "Creamery" means a place where butter is made for commercial purposes.

(8) "Culture" means the harmless lactic acid fermenting bacteria that are added to milk or cream to make manufactured dairy products like cultured buttermilk, cheese, cottage cheese, yogurt, sour cream, cream cheese, butter, and similar products.

(9) "Dairy" or "dairy farm" means a place where one or more cows or goats are kept, a part or all of the milk or cream from which is used for manufacturing purposes.

(10) The term "department", unless otherwise indicated, means the department of livestock provided for in Title 2, chapter 15, part 31.

(11) "Directly acidified" and similar terms mean the process of adding a food grade acid to milk or cream instead of or in addition to the adding of culture.

(12) "Filled dairy products" means milk, cream, skimmed milk, or any combination of these, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any food product made or manufactured from them, to which has been added or which has been blended or compounded with fat or oil other than milk fat so that the resulting product is in imitation or semblance of a dairy product, including milk, cream, sour cream, skimmed milk, ice cream, low-fat ice cream, whipped cream, flavored milk or skim milk yogurt, dried or powdered milk, cheese, cream, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, low-fat ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk.

(13) "French ice cream", "French custard ice cream", and similar frozen products, except sherbets and water ices, are varieties of ice cream.

(14) "Grading" means the examination of milk, cream, or products by sight, odor, taste, or laboratory analysis, the results of which determine a grade designating their quality.

(15) "Ice cream" is a frozen product made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, pure milk fat, wholesome sweet butter, or any combination of these products, with or without sweetening, or clean wholesome eggs or egg products, with or without the use of harmless flavoring and coloring. Ice cream must contain not less than 10% of milk fat, not less than 33% total solids, and may or may not contain pure and harmless edible stabilizer. Ice cream may contain not to exceed 1% gelatin. A frozen milk or milk product may not be manufactured or sold unless it contains at least 10% butterfat, excepting sherbets, ices, and other exceptions under this section. All ice cream must be manufactured from pasteurized ice cream mix.

(16) (a) "Ice cream mix" is a pasteurized, unfrozen product used in the manufacture of ice cream and must comply with the requirements for ice cream.

(b) "Mix" includes the liquid, unfrozen product from which those frozen products listed under subsections (21)(a)(iii) through (21)(a)(xii) are made.

(17) "Intrastate commerce" means commerce within this state under the jurisdiction of the

state and includes the operation of a business or service establishment.

(18) "Manufactured dairy product" means an item enumerated in subsection (21) or any other dairy product made by incorporating milk or cream or converting milk or cream into a different state of appearance or quality. For purposes of reporting production and licensing, manufactured dairy product includes but is not limited to:

(a) ice cream or its mix;

(b) French ice cream, custard ice cream, French custard ice cream, their low-fat counterparts, or their mixes;

(c) sherbets of all kinds or their mixes;

(d) animal or vegetable fat frozen desserts or their mixes;

(e) frozen confections or their mixes when made in a manufactured dairy products plant;

(f) water ices or their mixes;

(g) frozen dessert sandwiches, bars, cones, and similar novelties;

(h) frozen dessert made of nondairy origins and other products made in the semblance or imitation of dairy products or their mixes when made in a manufactured dairy products plant;

(i) ice milk or its mix;

(j) cheese of all kinds, including cottage cheese, cheese curd, cheese dressing, and cream cheese, either cultured or directly acidified;

(k) sour cream when cultured or directly acidified;

(l) eggnog, low-fat eggnog, eggnog-flavored milk, and similar flavored products;

(m) buttermilk, cultured or from churned butter or directly acidified;

(n) butter;

(o) yogurt, low-fat yogurt, or flavored yogurt, either cultured or directly acidified or frozen.

(19) (a) "Manufactured dairy products plant" or "factory" means a place where milk or cream is collected and converted into a product or into a different state of appearance or quality or that manufactures those products listed in subsection (21). If only products of semblance or imitation of dairy products are made, the plant is not considered a manufactured dairy products plant.

(b) The term does not include a facility operating under a small herd exemption registration pursuant to [section 1].

(20) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the milking of one or more healthy cows located in modified accredited areas and modified certified areas or from cows in herds fully accredited as tuberculosis-free by the United States department of agriculture or in the process of being accredited, when the milk or cream is sold for use in, intended for use in, or used in a manufactured dairy product.

(21) (a) "Milk" and "cream" mean milk and cream sold, used, or intended for manufacturing purposes or for conversion into products of a form other than the form in which originally produced or products commonly known as but not limited to:

(i) butter;

(ii) cheese, including cottage cheese, low-fat cottage cheese, cheese curd, and cream cheese, which are either cultured or directly acidified, and cheese dressings;

(iii) ice cream or its mix;

(iv) frozen dessert or its mix;

(v) sherbets of all kinds or their mixes;

(vi) frozen ice cream bars, sandwiches, cones, and similar novelties;

(vii) frozen desserts or products made in the semblance or imitation of frozen dessert;

(viii) frozen confections or their mixes;

(ix) water ices or their mixes;

(x) ice milk or its mix;

(xi) French ice cream, French custard, or their mixes;

(xii) frozen custard or its mix and frozen yogurt;

(xiii) yogurt, flavored yogurt, and low-fat yogurt;

(xiv) sour cream, either cultured or directly acidified;

(xv) cream cheese, either cultured or directly acidified;

(xvi) buttermilk, either cultured, from churned butter, or directly acidified;

(xvii) eggnog, low-fat eggnog, eggnog-flavored milk, whipped cream, flavored toppings, and similar flavored products;

(xviii) dry or powdered milk; and

(xix) condensed milk products.

(b) The items specified in subsection (21)(a), except items produced by a person operating under a small herd exemption registration pursuant to [section 1], must conform to the standards of identity set forth in the Code of Federal Regulations. If standards of identity are not set forth in the code, then the standards adopted by the department prevail, except that the department's standards do not apply to items specified in subsection (21)(a) that are produced by a person operating under a small herd exemption registration pursuant to [section 1]. The labeling of manufactured dairy products must be in accordance with the Montana Food, Drug, and Cosmetic Act.

(22) "Milk or cream station" means a place other than a creamery where deliveries of milk or cream are weighed, graded, sampled, tested, or collected for purchase.

(23) "Mislabeled", "unwholesome", "food additives", "optional ingredients", "impure", "misbranded", "contaminated", "adulterated", "perishable", "hazardous", "unfit", "spoiled", "damaged", and similar terms, when applied to a manufactured dairy product or product made in semblance or in imitation of a manufactured dairy product, are as defined in Title 50, chapter 31.

(24) "Official test" means test procedures outlined in the sources referred to under 81-22-301 concerning samples, methods, and rules of evidence.

(25) "Pasteurization", "pasteurizing", and similar terms mean the process of heating every particle of milk or milk product to at least 145 degrees F and holding it continuously at or above this temperature for at least 30 minutes or to at least 161 degrees F and holding it continuously at or above this temperature for at least 15 seconds in equipment that is properly operated and approved by the department. Milk products that have a higher fat content than milk or contain added sweeteners must be heated to at least 155 degrees F and held continuously at or above this temperature for at least 30 minutes, or to at least 175 degrees F and held continuously at or above this temperature for at least 25 seconds. This definition does not bar any other pasteurization process that has been recognized by the United States public health service to be equally effective and that is approved by the department.

(26) "Person" means an individual, firm, partnership, corporation, cooperative, or other business unit or trade device.

(27) "Producer" means the person who exercises control over the production of milk or cream delivered to a milk or cream receiving station or manufactured dairy products plant or who receives payment for milk or cream used in manufacturing.

(28) "Safe temperature" means 45 degrees F or less unless the product is frozen, in which case the temperature must be at or below 0 degrees F.

(29) "Testing", "test", "tested", and similar words mean the examination of milk, cream, or

manufactured dairy products by sight, odor, taste, or biological or chemical laboratory analysis to determine their quality, wholesomeness, or composition.

(30) "Water ice" means a frozen product containing but not limited to the following ingredients: water, sugar, flavoring, coloring, stabilizers, and other ingredients allowed by the Code of Federal Regulations as optional ingredients.""

Insert: "Section 11. Section 81-22-102, MCA, is amended to read:

"81-22-102. General authority of department. (1) The department may regulate and establish sanitation standards for persons operating dairies producing milk for manufacturing purposes. The department may regulate and establish sanitation and quality standards for a person engaged in the processing of manufactured dairy products or of products made or sold in the semblance or imitation of dairy products in this state when those products made in semblance or imitation of dairy products are made in a manufactured dairy products plant.

(2) The department may adopt minimum standards for the production, transportation, grading, testing, use, processing, packaging, and storage of milk and cream used for manufacturing purposes and of manufactured dairy products.

(3) (a) ~~The~~ Except as provided in subsection (3)(b), the department shall adopt rules and establish fees for licenses for selling or producing milk as required by 81-23-202.

(b) The sale of raw milk or raw milk products by a small herd exemption registrant is not subject to pricing controls under Title 81, chapter 23.""

Insert: "Section 12. Section 81-22-202, MCA, is amended to read:

"81-22-202. Licensing and registering of persons engaged in production of milk. (1) The department may license persons engaged in the production of milk for manufacturing purposes and license persons who manufacture dairy products or products made in their semblance or imitation when the products are made in a manufactured dairy products plant.

(2) The department may examine and license weighers, graders, samplers, and milk and cream testers in order to establish the qualifications of these persons to perform those operations or tests for which the licenses are issued.

(3) A person operating under a small herd exemption registration pursuant to [section 1] may manufacture dairy products or products made in their semblance or imitation in accordance with the registration and the rules of the department.""

Insert: "Section 13. Section 81-22-303, MCA, is amended to read:

"81-22-303. Sampling and testing by department. The department shall have the authority to sample, test, and/or retest samples of milk or cream or their products at any dairy, at the premises of any supplier of milk or cream for manufacturing purposes, ~~or~~ at any manufactured dairy products plant, milk plant, or cream buying or receiving station, or at any facility operating under a small herd exemption registration pursuant to [section 1]."

Insert: "Section 14. Section 81-22-304, MCA, is amended to read:

"81-22-304. Department's right of entry into dairy or plants for inspection -- penalty. (1) The department or its authorized agent has the right of entry during normal business hours, including Sundays and holidays, into a dairy supplying milk or cream for manufacturing purposes, a manufactured dairy products plant, a milk plant, a cream receiving station, a transportation facility, a facility operating under a small herd exemption registration pursuant to [section 1], or any premises where dairy products, dairy manufactured products, or their substitutes or imitations are produced, manufactured, sold, offered for sale, or stored while in transit to inspect the dairy or plant, its facilities and products, or to obtain samples for testing or analysis. It is unlawful for a

person to interfere with the department or its authorized agent in the performance of its duty to enter, inspect, or obtain samples.

(2) Violation of this section is a misdemeanor and subjects the offender to a fine of not less than $50 and not more than $500 or to imprisonment in the county jail for not less than 1 or more than 30 days or both such fine and imprisonment.""

Insert: "Section 15. Section 81-22-413, MCA, is amended to read:

"81-22-413. Pasteurization required -- exemption. (1) ~~All~~ Except as provided in [section 1] and subsections (2) and (3) of this section, all milk and cream used in the manufacture of any dairy product or products made in semblance or imitation of dairy products sold, offered for sale, purveyed, stored, displayed, or transported in Montana must be pasteurized.

(2) ~~However, cheese~~ Cheese held, stored, or aged for at least 60 days at not less than 35 degrees F is not required to be made from pasteurized milk or cream but must be labeled "made from raw or unpasteurized milk or unpasteurized cream", as the case may be.

(3) ~~Other cultured~~ Cultured raw or unpasteurized dairy products other than cheese that can be made safe by aging must be similarly aged and labeled as required ~~above~~ in [section 3] or this section.""

Insert: "Section 16. Section 81-22-415, MCA, is amended to read:

"81-22-415. ~~Pasteurization labeling~~ Labeling. (1) It is unlawful for a person to sell, offer for sale, exchange, or have in the person's possession milk, cream, or a manufactured dairy product in a container or package marked or labeled or in any way designating the contents of the container or package as "pasteurized" unless it has been treated by an approved process of pasteurization as required by the department.

(2) A person operating under a small herd exemption registration pursuant to [section 1] shall label a product as provided in [section 3].""

Insert: "Section 17. Section 81-22-416, MCA, is amended to read:

"81-22-416. Milk and manufactured dairy products to conform to standards. (1) ~~All~~ Except as provided in subsection (2), all milk and cream used in manufactured dairy products, and the manufactured dairy products, ~~shall~~ must conform to the standards of purity, quality, and wholesomeness as provided in this chapter or in the regulations promulgated under the authority of this chapter.

(2) All raw milk and raw milk products produced by a facility operating under a small herd exemption registration pursuant to [section 1] must conform to the standards of purity, quality, and wholesomeness as provided in this chapter. The department may not adopt rules imposing standards on a facility operating under a small herd exemption registration that are different from the standards imposed in this chapter.""

Insert: "Section 18. Section 81-22-501, MCA, is amended to read:

"81-22-501. Required records and reports -- examination. The department may require dairies ~~and~~, dairy product manufacturers, and facilities operating under small herd exemption registrations pursuant to [section 1] to maintain and produce for examination or to report the records necessary for carrying out its duties under this chapter.""

Insert: "Section 19. Section 81-23-106, MCA, is amended to read:

"81-23-106. Application. (1) This chapter does not apply to:

(a) raw milk or raw milk products produced under a small herd exemption registration pursuant to [section 1]; or

(b) foreign or interstate commerce except insofar as it may be effective in compliance with

the United States constitution and with the laws of the United States.

(2) ~~It is the intention of the legislature, however, that the instant, whenever that may be, that~~ As soon as the handling within the state by a dealer of milk produced outside of the state becomes the subject of regulation by the state in the exercise of its police powers, the provisions of this chapter affecting intrastate milk immediately apply~~ and the powers conferred by this chapter attach thereto~~.""

Insert: "NEW SECTION. **Section 20. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 81, chapter 21, part 1, and the provisions of Title 81, chapter 21, part 1, apply to [sections 1 through 4]."

Insert: "COORDINATION SECTION. **Section 21. Coordination instruction.** If both Senate Bill No. 300 and [this act] are passed and approved, then [section 3(3) of this act] is void."

Insert: "NEW SECTION. **Section 22. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. **Section 23. Two-thirds vote required.** Because [section 1] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

And, as amended, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/7/2017
SJ 27, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/6/2017
SR 6, be adopted.
HB 216, be concurred in.
HB 365, be concurred in.
HB 604, be amended as follows:

1. Page 3, line 30.
Strike: "seven"
Insert: "nine"

And, as amended, be concurred in.

TAXATION (Blasdel, Chair): 4/7/2017
HB 187, be amended as follows:

1. Title, page 1, line 5.
Following: "FUNDS;"
Insert: "REQUIRING A PERFORMANCE AUDIT BY THE LEGISLATIVE AUDITOR;"

2. Title, page 1, line 7.
Strike: "A TERMINATION DATE"
Insert: "TERMINATION DATES"

3. Page 1, line 12.
Strike: "there"
Insert: "an individual"

4. Page 1, line 13.
Strike: "a qualifying business or"

5. Page 1, line 30.
Strike: ""PRINCIPAL" OR"

6. Page 3, line 4.
Insert: "NEW SECTION. **Section 2. Legislative performance audit required.** (1) By June 30, 2022, the legislative auditor shall present a performance audit report to the legislative audit committee and the revenue and transportation interim committee evaluating the results of the business investment tax credit program in [section 1].

(2) The legislative audit report must include but is not limited to:

(a) the number of taxpayers claiming the credit and the corresponding credit amounts;

(b) the types of investments made by the credit recipients;

(c) the financial impact of the investments;

(d) whether the credit materially affected the amount and type of investments made and the success of those investments, with particular attention to whether the credit encouraged investors to invest in projects with a lower likelihood of financial success;

(e) the amount of economic activity, including the number of jobs and wages of those jobs generated by the investments;

(f) the incremental change in Montana state and local taxes paid as a result of the allowance of the credit;

(g) state and local revenue generated by the investments; and

(h) additional state and local costs attributable to the investments.

(3) The department of revenue shall work closely with the legislative auditor to provide information necessary to complete the audit report.

(4) Following completion of the legislative audit, the revenue and transportation interim committee shall present a recommendation to the legislature meeting in the 2023 regular session recommending whether the tax credit program in [section 1] should be:

(a) immediately terminated;

(b) extended for a period of up to 6 years; or

(c) amended and extended for a period of up to 6 years.

(5) The report provided by the legislative auditor to the interim committees must be in summary fashion to protect individual taxpayer confidential information."
Renumber: subsequent sections

7. Page 3, line 5.
Strike: "[Section 1] is"
Insert: "[Sections 1 and 2] are"

8. Page 3, line 6 through line 7.

Strike: "[section" on page 3, line 6 through "1]" on line 7
Insert: "[sections 1 and 2]"

9. Page 3, line 12.
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"
Following: line 12
Insert: "(2) [Section 2] terminates June 30, 2023."

And, as amended, be concurred in.

HB 224, be amended as follows:

1. Page 1, line 23 through line 24.
Strike: subsection (1)(c) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in.

HB 391, be concurred in.
HB 550, be amended as follows:

1. Page 1, line 21.
Strike: "ending"
Insert: "beginning"

2. Page 1, line 22.
Strike: "two"
Insert: "three"

3. Page 1, line 23.
Strike: "20"
Insert: "10"

4. Page 2, line 18 through line 24.
Strike: "(A) EXCEPT" through "(B)"

5. Page 2, line 24.
Strike: "OR CARRYOVER"

6. Page 2, line 25.
Strike: "AUTOMATIC ELECTION IN SUBSECTION (11)(A)"
Insert: "entire carryback period"

7. Page 2, line 26.

Strike: "BACK OR"
Strike: "AS ELECTED BY THE TAXPAYER"
Insert: "only"

And, as amended, be concurred in.

HB 558, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 6, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Sales and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 97** (SB 97), "AN ACT ESTABLISHING THE PRIMACY OF MONTANA LAW BY PROHIBITING THE APPLICATION OF FOREIGN LAW WHEN IT VIOLATES A FUNDAMENTAL RIGHT GUARANTEED BY THE MONTANA OR UNITED STATES CONSTITUTION; PROVIDING EXCEPTIONS; AND PROVIDING AN APPLICABILITY DATE."

SB 97 would void all contractual provisions and all decisions of Montana courts that rely, to any degree, on foreign legal systems that do not grant the same liberties, rights and privileges granted under the Montana or U.S. Constitutions. While SB 97 may have an unobjectionable title and bland, legalistic language, its purpose and effect would upend our legal system and debase what we stand for as Montanans and Americans.

The title of SB 97 is misleading. The substantive text of the bill renders void and unenforceable any contractual provision or court decision that relies on a foreign legal system that does not grant the *same rights* as granted under the U.S. or Montana constitutions. This is an astonishingly broad prohibition. For example, Montanans have an inalienable right to a "clean and healthful environment." Art. II, Sec. 3 Mont. Const.; *see e.g.*, Seven Up Pete Venture, et al. v. State of Montana, et al., 2005 MT 146, ¶ 46 ("[T]he Montana Constitution provides that 'the right to a clean

and healthful environment is an inalienable right of ever person. It further requires that a clean and healthful environment shall be preserved for future generations."). I am not aware that such a provision is common in the laws of other nations. But by the plain language of SB 97, Montana courts could not even *consider* a decision or law as persuasive authority from any country that did not have the same liberties, rights and privileges as in our state constitution.

Moreover, "foreign law" is infused throughout the American legal system. One of the very first and oldest provisions of our own state code, dating back to the Bannack statutes of 1871, provides: "The common law of England, so far as it is not repugnant to or inconsistent with the constitution of the United States or the constitution or laws of this state, is the rule of decision in all the courts of this state." § 1-1-109, MCA. Foreign monetary judgments from all over the world are recognized under state law, as are marriages that were performed in other countries, child custody arrangements, and probate matters. International law, in addition to state law, governs contracting with foreign nationals and corporations. The U.S. Supreme Court frequently references foreign law. *See, e.g.*, Roper v. Simmons, 543 U.S. 551, 575 (2005) (discussing international treaties and foreign law in holding unconstitutional the execution of minors). SB 97 would inject enormous uncertainty in multiple areas of law. The bill's vague exceptions do not save it from its complete unworkability.

There is absolutely no need for this bill. The U.S. and Montana constitutions contain strong protections for Montanans--protections that our courts are sworn to uphold. The rights of due process, equal protection, privacy, and freedoms of religion and expression are the bedrock of our constitutional protections and, indeed, our cultural identify. Any domestic application of foreign law that is antithetical to the U.S. or Montana constitutions is, by that very fact, unconstitutional and void. When foreign law or foreign decisions are relied upon by Montana courts, it is done pursuant to established legal standards that protect our rights. *See, e.g.*, § 40-5-1005, MCA (setting standards for child support proceedings in state courts involving foreign support orders or foreign tribunals); §§ 25-9-601, *et seq.*, MCA (setting standards for the recognition of foreign-counmtry money judgments). Proponents of SB 97 cite no instance of a Montana court demonstrating confusion on this matter. Even if such confusion were to occur, I have no doubt that the appeal would be swift and reversal certain.

Finally, as the Seventh Circuit Court of Appeals once observed, "if it walks like a duck, swims like a duck, and quacks like a duck, it's a duck." Lake v. Neal, 585 F. 3d 1059 (2009). SB 97 fails the duck test. I cannot seriously be denied that the bill is drawn from "Sharia law bans" that have been tried in other states. The intent of these bills is to target a particular religion and group of people for disfavored treatment. Even more disturbing, I fear that the Sharia law ban implicit in SB 97 will be interpreted by some as state endorsement for anti-Muslin sentiments and activity.

We are already in the midst of a nation-wide surge in hate crimes. This bill, if passed, would open a dark chapter in our state's history and violate the constitutional norms it claims to protect. We must instead recommit ourselves to protecting the religious and cultural diversity that makes our state and nation strong, while remaining steadfast in our resolve to stop those who intend to do us real harm.

For these reasons, I veto SB 97.

Sincerely,

STEVE BULLOCK
Governor.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/6/2017

SB 43, introduced by J. Sesso
SB 319, introduced by J. Gross

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/6/2017

SB 63, introduced by C. Wolken
SB 64, introduced by C. Wolken
SB 92, introduced by A. Olszewski
SB 120, introduced by N. Swandal
SB 126, introduced by K. Regier
SB 208, introduced by M. Caferro
SB 282, introduced by A. Olszewski
SB 283, introduced by A. Olszewski
SB 294, introduced by S. Fitzpatrick
SB 314, introduced by C. Vincent
SB 325, introduced by B. Hoven

Senate joint resolutions concurred in as amended and returned to the Senate for concurrence in House amendments: 4/6/2017

SJ 13, introduced by T. Facey
SJ 18, introduced by M. Blasdel

Senate bills not concurred in and returned to the Senate: 4/5/2017
SB 306, introduced by R. Webb

Senate amendments to House bills concurred in: 4/6/2017

HB 73, introduced by R. Lynch
HB 402, introduced by J. Essmann

House bills transmitted after the deadline for Revenue Bills. Joint rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house. 4/6/2017

HB 239, introduced by B. Harris
HB 611, introduced by D. Skees

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 30, introduced by F. Thomas, R. Ehli, referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 59, introduced by D. Brown, referred to State Administration.
SR 60, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 61, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 62, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 63, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 64, introduced by J. Fielder, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 239, introduced by B. Harris, referred to Education and Cultural Resources.
HB 611, introduced by D. Skees, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Blasdel moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 205 - Senator Gauthier moved **HB 205** be concurred in.

HB 205 - Senator Pomnichowski moved **HB 205**, second reading copy, be amended as follows:

1. Page 41, line 11.
Following: "**INSTRUCTION.**"
Insert: "(1)"

2. Page 41, following line 14.
Insert: "(2) If House Bill No. 473 is not passed and approved, then [this act] is void."

Amendment **not** adopted as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 205 - Thereupon, the Senate reverted to the original motion of Senator Gauthier which passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Cohenour, Facey, Fielder, Gross, Hinkle, Howard, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 19

Paired: Thomas, Aye; Malek, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 303 - Senator Sands moved **HB 303** be concurred in. Motion carried as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vincent, Vuckovich, Webb, Whitford, Wolken.

Total 32

Nays: Ankney, Blasdel, Brown, Fielder, Hinebauch, Hoven, Howard, Keenan, Lang, Osmundson, Regier, Richmond, Salomon, Smith C, Vance, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 383 - Senator McNally moved **HB 383** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Keenan, Moore, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 16

Paired: Thomas, Aye; , Mr.President, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 428 - Senator Facey moved **HB 428** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Fielder, Hinebauch, Howard, Smith C, Vance.
Total 5

Absent or not voting: None.

Total 0

Excused: Thomas.
Total 1

HB 462 - Senator Salomon moved **HB 462** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.
Total 28

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 528 - Senator D. Brown moved **HB 528** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Blasdel, Caferro, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Osmundson, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 18

Paired: Facey, Aye; Thomas, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 642 - Senator Moore moved **HB 642** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 45

Nays: Keenan, Smith C, Webb, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 647 - Senator L. Jones moved **HB 647** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 39

Nays: Fielder, Hinebauch, Hinkle, Keenan, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 44 - **House Amendments** - Senator Vance moved House amendments to **SB 44** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 99 - **House Amendments** - Senator C. Smith moved House amendments to **SB 99** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 144 - **House Amendments** - Senator R. Webb moved House amendments to **SB 144** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Boland, Caferro, Cohenour, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Thomas.

Total 1

SB 158 - **House Amendments** - Senator MacDonald moved House amendments to **SB 158** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Howard, Keenan, Lang, Olszewski, Osmundson, Smith C, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 163 - **House Amendments** - Senator K. Regier moved House amendments to **SB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 270 - **House Amendments** - Senator Kary moved House amendments to **SB 270** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty,

McNally, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Boland, Caferro, Cohenour, Gross, Malek, Phillips, Sesso, Smith F, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 284 - **House Amendments** - Senator Lang moved House amendments to **SB 284** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 286 - **House Amendments** - Senator Moore moved House amendments to **SB 286** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 291 - **House Amendments** - Senator Facey moved House amendments to **SB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 292 - **House Amendments** - Senator Facey moved House amendments to **SB 292** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 59 - **Free Conference Committee Report No. 1** - Senator Wolken moved the Free

Conference Committee report to **SB 59** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

Senator Blasdel moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 21 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Blasdel, Keenan, Smith C, Vance, Vincent, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 175, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 176, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 189, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 207, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: Malek, Pomnichowski, Whitford.
Total 3

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 216, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 44 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 77 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 123 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 35

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 141 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Blasdel, Brown, Hinebauch, Keenan, Regier, Vance, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 144 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 219 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 287 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Buttrey, Fielder, Hinebauch, Hinkle, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 372 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Brown, Cohenour, Keenan, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 386 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 47

Nays: Brown, Welborn.
Total 2

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 449 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 458 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 501 failed as follows:

Yeas: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Vance, Webb.
Total 18

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 31

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 517 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Hinebauch.
Total 1

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 541 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 40

Nays: Brown, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Tempel, Vance.
Total 9

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HJ 9 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch,

Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HJ 15 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

MOTIONS

Senator Blasdel moved that **HB 558** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Blasdel moved the Senate **suspend joint rule 40-200** for the late acceptance of **HB 611**. The motion **failed** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 29

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Blasdel moved the Senate adjourn until 8:00 a.m., Saturday, April 8, 2017, the seventy-fourth legislative day. Motion carried.

Senate adjourned at 2:18 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 8, 2017 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Webb. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Keenan, Moore, Osmundson, and Small excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/8/2017
Correctly printed: **SR 59**, **SR 60**, **SR 61**, **SR 62**, **SR 63**, **SR 64**, **SJ 30**, **HB 205**, **HB 303**, **HB 383**, **HB 391**, **HB 428**, **HB 462**, **HB 528**, **HB 558**, **HB 642**, **HB 647**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/7/2017
HB 134, be concurred in.
HB 390, be amended as follows:

1. Page 3.
Following: line 12
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** (1) If [this act], Senate Bill No. 260, and Senate Bill No. 307 are passed and approved, [Section 1] of Senate Bill No. 260 must be replaced with the following language:

" Section 1. **School facilities fund -- school major maintenance aid special revenue account.** (1) There is a school facilities fund administered by the department of administration. Pursuant to 17-5-703, a percentage of coal severance taxes received by the state are deposited into this fund. Earnings not transferred to the school major maintenance aid account as provided in subsection (2) must be retained in the school facilities fund.

(2) The school major maintenance aid account established in [section 8 of Senate Bill No. 307] receives earnings from the school facilities fund as provided in 17-5-703.

(3) A school district that receives funds from the school major maintenance aid account shall, within 30 days of receiving the funds, file with the office of the superintendent of public instruction a document acknowledging it has received funds from the coal severance tax trust fund.""

(2) If [this act], Senate Bill No. 260, and Senate Bill No. 307 are passed and approved, the section in Senate Bill No. 260 amending 17-5-703 is void and 17-5-703 must be amended as follows:

"17-5-703. (Temporary) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from

the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a treasure state endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund; ~~and~~

(f) a big sky economic development fund; and

(g) a school facilities fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections ~~(3) and (4)~~ (4) and (5).

(3) ~~(a) Until June 30, 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.~~

~~(b) Until June 30, 2016, the state treasurer shall quarterly transfer to the treasure state endowment regional water system fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.~~

~~(c)~~ (a) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

~~(d)~~(b) The state treasurer shall monthly transfer from the treasure state endowment regional water system fund to the treasure state endowment regional water system special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the treasure state endowment regional water system special revenue account must be retained in the treasure state endowment regional water system fund.

(4) (a) Starting July 1, 2017, the state treasurer shall quarterly transfer to the school facilities fund provided for in [section 1(1) of Senate Bill 260] 75% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is $200 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance permanent fund 75% of the amount in the coal severance tax bond fund that exceeds the amount that is specified pursuant to subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the school facilities fund to the account established in [section 8 of Senate Bill No. 307] the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the account established in [section 8 of Senate Bill No. 307] must be retained by the school facilities fund.

~~(4)~~(5) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax

bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

~~(5)~~(6) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, 2031--secs. 1 through 3, Ch. 305, L. 2015.)

17-5-703. (Effective July 1, 2031) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund; ~~and~~

(e) a big sky economic development fund; and

(f) a school facilities fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections ~~(3) and (4)~~ (4) and (5).

(3) ~~(a) Until June 30, 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.~~

~~(b)~~ The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(4) (a) Starting July 1, 2017, the state treasurer shall quarterly transfer to the school facilities fund provided for in [section 1(1) of Senate Bill No. 260] 75% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer when the balance of the school facilities fund is $200 million. Beginning with the quarter following this certification, the state treasurer shall instead transfer to the coal severance permanent fund 75% of the amount in the coal severance tax bond fund that exceeds the amount that is specified pursuant to subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the school facilities fund to the account established in [section 8 of Senate Bill No. 307] the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account.

Earnings not transferred to the account established in [section 8 of Senate Bill No. 307] must be retained by the school facilities fund.

~~(4)~~(5) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

~~(5)~~(6) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 631, be amended as follows:

1. Page 3, line 15.
Strike: "(a)"

2. Page 3, line 19.
Strike: "Except" through "money"
Insert: "Money"

3. Page 3, line 22 through line 23.
Strike: subsection (b) in its entirety

4. Page 4, line 16.
Strike: "for the" through "chapter 9"
Insert: "to the agricultural seed capital account established in 90-9-301"

5. Page 5, line 7.
Strike: "(a)"

6. Page 5, line 11.
Strike: "Except" through "money"
Insert: "Money"

7. Page 5, line 14 through line 15.
Strike: subsection (b) in its entirety

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/7/2017
SJ 28, do pass.
SJ 29, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 6, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, April 6, 2017, I signed the following bill:

SB 157 - J. Cohenour

I have also vetoed **Senate Bill 97** - K. Regier.

Sincerely,

STEVE BULLOCK
Governor

April 7, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 32** (SB 32), "AN ACT ELIMINATING THE COMMUNITY RENEWABLE ENERGY PROJECT REQUIREMENT FROM MONTANA'S RENEWABLE RESOURCE STANDARD; AMENDING SECTIONS 69-3-2003, 69-3-2004, 69-3-2005, 69-3-2006, 69-3-2009, AND 90-4-1202, MCA; AND PROVIDING AN IMMEDIATE

EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 32 would repeal Montana's Community Renewable Energy Projects (CREPs) requirement for the Montana Renewable Portfolio Standard (RPS). Montana law requires utilities to meet a certain target for procuring renewable energy. Within the RPS, covered utilities are also required to acquire "community renewable power" in certain amounts.

Creating CREPs was a choice made by the state when it also adopted the RPS to make sure that renewables were not just clustered in a few big projects by major developers, and to ensure that local communities were not left behind. To that end, the legislature made sure that any CREPs were in fact, "owned" by Montanans, and set a size limit on projects of 25 MW, thereby keeping the scale small. MCA 69-3-2007 also requires CREPs to not exceed the cost of any other alternative energy resource available to the utility by more than 15 percent. According to a 2014 review of the Montana's RPS, the Montana Consumer counsel concluded, "The RPS and accompanying CREPs legislation in Montana has had a relatively minimal rate impact on Northwestern Energy customers."

CREPs projects benefit local economies where they are built. CREPs projects are typically located in rural communities, bringing with them jobs and new tax revenue that is sustained over the life of the project, which could be for twenty years or longer. Indeed, counties where CREPs are currently located oppose SB 32, arguing that CREPs bring rural economies long-term jobs, construction jobs and a higher tax base for the counties. Currently, only 25 of the required 65 megawatts from CREPs have been built, leaving a potential 40 megawatts of local projects still to be built. SB 32 would deprive local communities of further investments and jobs that would come with development of those 40 megawatts.

While proponents of SB 32 argue, and opponents also acknowledge, the current law is not ideal, repealing the law in its entirety is also not ideal. I am committed to working with stakeholders before the next legislative session to amend current law to address concerns and make CREPs better and more workable for both utilities and renewable energy developers. This could include addressing current cost caps, ownership requirements, and penalties. The bill's title restricts me from offering any of those amendments as an amendatory veto, so I am therefore resigned to veto SB 32 outright.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/7/2017

SB 45, introduced by M. MacDonald
SB 46, introduced by C. Vincent

SB 93, introduced by T. Richmond
SB 116, introduced by M. Blasdel
SB 117, introduced by R. Webb
SB 118, introduced by M. McNally
SB 200, introduced by E. Buttrey
SB 213, introduced by J. Cohenour
SB 240, introduced by E. Buttrey
SB 242, introduced by S. Malek
SB 260, introduced by L. Jones
SB 274, introduced by E. Buttrey

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/7/2017

SB 197, introduced by T. Gauthier
SB 271, introduced by F. Thomas
SB 307, introduced by L. Jones

Senate amendments to House bills concurred in: 4/7/2017

HB 208, introduced by K. Wagoner
HB 496, introduced by V. Ricci

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 65, introduced by K. Regier, referred to Judiciary.
SR 66, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 4 - Majority Leader Thomas moved consideration of **HB 4** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 118 - Senator Olszewski moved **HB 118** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Hinebauch, Regier, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 576 - Senator Fielder moved **HB 576** be concurred in. Motion **failed** as follows:

Yeas: Brown, Caferro, Fielder, Hoven, Olszewski, Phillips, Salomon, Sands, Thomas, Webb.
Total 10

Nays: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Regier, Richmond, Sesso, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 36

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 576 - Senator Blasdel moved **HB 576** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Phillips.
Total 1

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 589 - Senator Caferro moved **HB 589** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 554 - Senator Blasdel moved **HB 554** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 574 - Senator Blasdel moved **HB 574** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, McNally, Olszewski, Regier, Richmond, Salomon, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 35

Nays: Boland, Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 583 - Senator Cohenour moved **HB 583** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 4 - Senator L. Jones moved **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 44, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 59, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 99, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Olszewski, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 144, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Olszewski, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 158, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Whitford, Wolken.
Total 27

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Lang, Olszewski, Regier, Salomon, Smith C, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 163, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Tempel.
Total 1

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 270, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Olszewski, Regier, Richmond, Salomon, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 31

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford.
Total 15

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 284, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 286, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang,

MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 291, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SB 292, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 205 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Lang, McClafferty, Olszewski, Regier, Richmond, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Boland, Cohenour, Facey, Gross, Hinkle, Howard, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 303 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Kary, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, Regier, Salomon, Smith C, Swandal, Tempel, Vance, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 383 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas,

Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 428 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Fielder, Hinebauch, Hinkle, Howard, Smith C, Vance, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 462 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 28

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Lang, Olszewski, Pomnichowski, Regier, Smith C, Smith F, Vance, Vincent, Webb, Welborn, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.

Total 4

HB 528 failed as follows:

Yeas: Barrett, Boland, Brown, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 22

Nays: Ankney, Blasdel, Buttrey, Caferro, Cohenour, Connell, Fielder, Hinebauch, Hinkle, Jones, Kary, Olszewski, Regier, Richmond, Salomon, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 642 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Hinebauch, Smith C, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

HB 647 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 39

Nays: Hinebauch, Hinkle, Regier, Smith C, Vance, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

MOTIONS

Majority Leader Thomas moved that **HB 134** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Gauthier moved that **HB 225** be taken from the Highways and Transportation Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 27

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: Keenan, Moore, Osmundson, Small.
Total 4

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this week.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Vice Chair): 4/7/2017
SR 20, be adopted.
SR 21, be adopted.
SR 43, be adopted.
SR 44, be adopted.
HB 339, be concurred in.

HB 344, be concurred in.
HB 429, be concurred in.
HB 433, be concurred in.
HB 622, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/7/2017
SR 57, introduced resolution, be amended as follows:

1. Title, page 1, line 6.
Following: "CHANGES TO"
Insert: "OR REPEALING"

2. Page 1, line 26.
Following: "revisions to"
Insert: "or repealing"

3. Page 1, line 27.
Following: "urged to retain"
Insert: "or create"

And, as amended, be adopted.

STATE ADMINISTRATION (Brown, Chair): 4/7/2017
HB 136, be amended as follows:

1. Title, page 1, line 7.
Following: "PROVIDING"
Strike: "AN"
Insert: "A DELAYED"

2. Page 2, line 19.
Following: "subsection (2)"
Insert: "and reducing the employee's additional contribution required under 19-8-502(1)(b)"

3. Page 2, line 27.
Strike: "2017"
Insert: "2018"

4. Page 3, line 3.
Strike: "2017"
Insert: "2018"

5. Page 3, line 18.
Strike: "2017"
Insert: "2018"

6. Page 3, line 24.
Strike: "2017"
Insert: "2018"

7. Page 4, line 5.
Strike: "2017"
Insert: "2018"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, April 10, 2017, the seventy-fifth legislative day. Motion carried.

Senate adjourned at 8:38 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 10, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/10/2017
Correctly printed: **SR 20**, **SR 21**, **SR 43**, **SR 44**, **SR 65**, **SR 66**, **SJ 28**, **SJ 29**, **HB 4**, **HB 118**, **HB 134**, **HB 225**, **HB 339**, **HB 344**, **HB 429**, **HB 433**, **HB 554**, **HB 574**, **HB 583**, **HB 589**, **HB 622**.
Correctly engrossed: **SR 57**, **HB 136**, **HB 390**, **HB 631**.
Correctly enrolled: **SB 43**, **SB 44**, **SB 46**, **SB 99**, **SB 118**, **SB 144**, **SB 158**, **SB 163**, **SB 175**, **SB 176**, **SB 200**, **SB 207**, **SB 216**, **SB 260**, **SB 270**, **SB 274**, **SB 284**, **SB 291**, **SB 292**, **SB 319**.
Transmitted to the House: **HB 205**, **HB 303**, **HB 383**, **HB 428**, **HB 462**, **HB 642**, **HB 647**.
Signed by the President at 8:58 a.m., April 10, 2017: **SB 17**, **SB 60**, **SB 139**, **SB 287**.
Signed by the Secretary of the Senate at 9:00 a.m., April 10, 2017: **SB 17**, **SB 60**, **SB 139**, **SB 287**.
Signed by the Speaker at 10:45 a.m., April 10, 2017: **SB 17**, **SB 60**, **SB 139**, **SB 287**.
Delivered to the Governor at 12:38 p.m., April 10, 2017: **SB 17**, **SB 60**, **SB 139**, **SB 287**.

Senator Blasdel introduced the **Pages** for the coming week:

Jacob Dresen from Ronan, sponsored by Senator Salomon
Sarah Cerdena from Corvallis, sponsored by Senator Connell
Claudia Downing from Helena, sponsored by Senator Caferro
Nico Micheletti from Billings, sponsored by Representative Kelker
Colin Sassano from Helena, sponsored by Senator Moore
Gwyneth Ovalley from Great Falls, sponsored by Senator Boland

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/10/2017
HB 6, be concurred in.
HB 7, be concurred in.
HB 9, be concurred in.
HB 11, be concurred in.
HB 228, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 10, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, April 10, 2017, I signed the following bills:

SB 152 - J. Sesso
SB 164 - K. Regier
SB 222 - S. Fitzpatrick

Sincerely,

STEVE BULLOCK
Governor

MOTIONS

Majority Leader Thomas moved to pass consideration of **HB 550**, on today's second reading agenda, to the following legislative day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 23 - Senator Thomas moved **SJ 23** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Brown, Facey, Keenan, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 24 - Senator Sands moved **SJ 24** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 38

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Moore, Vance, Vincent, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 27 - Senator Vance moved **SJ 27** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Hinebauch, Keenan, Smith C, Swandal, Vincent, Mr.President.
Total 6

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SR 6 - Senator Ankney moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 6.** Resolution adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 35

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Osmundson, Smith C, Swandal, Thomas, Vance, Vincent, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 54 - Senator K. Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 54**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Brown, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 55 - Senator Buttrey moved that the nomination transmitted by the Governor be concurred

in and confirmed by the Senate in accordance with **SR 55**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Hinkle, Howard, Keenan, Swandal, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 56 - Senator Buttrey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 56**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Hinebauch, Howard, Keenan.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314 - **House Amendments** - Senator Vincent moved House amendments to **SB 314** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 36

Nays: Brown, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Salomon, Smith C, Tempel, Vance, Webb, Welborn.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - **House Amendments** - Senator Hoven moved House amendments to **SB 325** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Blasdel, Brown, Fitzpatrick, Gross, Hinebauch, Hinkle, Howard, Keenan, Smith C.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 13 - **House Amendments** - Senator Facey moved House amendments to **SJ 13** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Small.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 18 - **House Amendments** - Senator Blasdel moved House amendments to **SJ 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 27 - **House Amendments** - Senator Thomas moved House amendments to **SB 27** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Cohenour, Gross, MacDonald.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 187 - Senator Pomnichowski moved **HB 187** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond,

Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Webb, Whitford, Wolken.
Total 30

Nays: Barrett, Brown, Buttrey, Connell, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Vincent, Welborn, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 216 - Senator Richmond moved **HB 216** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 224 - Senator McClafferty moved **HB 224** be concurred in. Senator Buttrey disclosed he owns a VFW property. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Brown, Kary, Keenan, Regier, Smith C, Swandal, Vance, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 365 - Senator K. Regier moved **HB 365** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 - Senator Connell moved **HB 604** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 225 - Senator Gauthier moved **HB 225** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven,

Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Sands, Sesso, Small, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 27

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Osmundson, Richmond, Salomon, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 143 - **Free Conference Committee Report No. 1** - Senator Lang moved the Free Conference Committee report to **SB 143** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 36

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 197 - **House Amendments** - Senator Gauthier moved House amendments to **SB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Barrett, MacDonald, Sands.

Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 208 - **House Amendments** - Senator Caferro moved House amendments to **SB 208** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 268** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour, MacDonald.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 - **House Amendments** - Senator Olszewski moved House amendments to **SB 282** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - **House Amendments** - Senator Olszewski moved House amendments to **SB 283** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: Barrett, MacDonald, Malek, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294 - **House Amendments** - Senator Fitzpatrick moved **do not concur** with House amendments to **SB 294**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn,

Whitford, Wolken, Mr.President.
Total 43

Nays: Hinebauch, Kary, Keenan, Moore, Olszewski, Osmundson, Smith F.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 - **House Amendments** - Senator L. Jones moved House amendments to **SB 307** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 429 - Senator Connell moved **HB 429** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 47

Nays: Cohenour, Pomnichowski, Whitford.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 339 - Senator Vincent moved **HB 339** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 433 - Senator Vincent moved **HB 433** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Boland, Cohenour, Keenan.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Vincent, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 118 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 44

Nays: Fielder, Hinebauch, Hinkle, Regier, Vincent, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 554 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 574 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Boland, Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 583 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 589 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/10/2017
HB 591, be amended as follows:

1. Page 2, line 7.
Following: "public"

Insert: "or private"

2. Page 2, line 10.
Following: "4]"
Insert: ","
Strike: "and"

3. Page 2, line 11.
Following: "state"
Insert: ", and who has filed a Montana income tax return in the year immediately before applying for assistance if required to file a tax return"

4. Page 3.
Following: line 22
Insert: "(10) The board shall establish rules to adjust a borrower's interest rate back up to the borrower's original interest rate if the borrower is required to file a tax return and does not file a Montana income tax return."
Renumber: subsequent subsections

And, as amended, be concurred in.

HB 652, be amended as follows:

1. Page 1, line 8.
Following: "PROVIDING RULEMAKING AUTHORITY;"
Strike: "PROVIDING AN APPROPRIATION;"

2. Page 3, lines 14-18.
Strike: section 6 in its entirety
Insert: "NEW SECTION. **Section 6. Implementation.** The state auditor's office shall implement [this act] within existing resources."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Thomas moved that **HB 187**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thoms moved the Senate **suspend joint rule 40-200** to accept late transmittal of **HB 239**. Motion **failed** as follows:

Yeas: Blasdel, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn.
Total 24

Nays: Ankney, Barrett, Boland, Brown, Buttrey, Cohenour, Facey, Gross, Hinebauch, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

On Sunday, April 9, 2017, the Montana Legislature met to recognize and record the passing of former members of the Senate and House of Representatives. Memorials of those members are included in this journal beginning on the following page.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 11:00 a.m., Tuesday, April 11, 2017, the seventy-sixth legislative day. Motion carried.

Senate adjourned at 2:52 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

VERNER LAURITS BERTELSEN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Verner Bertelsen on August 18, 2015 in Helena at the age of 97.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Verner Bertelsen be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Verner Bertelsen was born in Froid on July 19, 1918. After his 1938 graduation from Northern Montana College in Havre, he was an elementary school teacher in Helmville and Ovando from 1938 to 1969, a rancher from 1947 to 1977, and a Powell County Commissioner from 1951 to 1957.

Verner served as a member of the Montana House of Representatives from 1975 to 1984 where he was the chairman of the Local Government and Revenue Oversight committees. He was appointed Secretary of State by Governor Ted Schwinden in April of 1988 and served until December of that year. Verner served as Chairman of the Developmental Disabilities Planning and Advisory Council, was appointed as a member of the Governor's Council for Tobacco Use Prevention and the Election Advisory Council, and was a Montana Senior representative to the White House Conference on Aging. He was chairman of the Montana Coal Trust for many years.

Verner was preceded in death by a son, Allen, and four wives: Ellen Bentsen, Marjorie Wendt, Judy Edwards and Dorothea Cool. He is survived by his children, grandchildren, great-grandchildren, and the love of his last 11 years, Betty Barraugh.

FRED G. CARL

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Fred Carl on March 20, 2016 in Missoula.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Fred Carl be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Fred Carl was born on October 30, 1930 in Buffalo, New York to Dr. Fred Carl Sr. and Lillian Anderson Carl. Fred attended Purdue University but transferred to the University of Montana where he received his BA in education and was a member of the UM swim team.

Fred returned to Buffalo where he met and married Joan Bennett in 1955. Together they had four children. In 1961 Fred and Joan moved their family to Montana and Fred started teaching at Hamilton High School. After teaching for several years Fred began selling real estate.

Fred was an active member of the Republican party and was elected to the Montana State Senate, serving during the 1971 and 1973 sessions. He was on the Education, Irrigation and Water, and Fish and Game committees.

Fred was preceded in death by his wife Joan and two of his siblings. He is survived by his brother David and family; and his four children and their families: Arlyne Dreyer, Allison Carl, Alane (Tony) Durr and Fred (Susan), along with five grandchildren.

ERVIN DAVIS

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Ervin Davis on July 26, 2015 in Charlo.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Ervin Davis be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Ervin Davis was born May 3, 1926 on a dairy farm on the outskirts of Jenks, Oklahoma, to E.K. and Inez Davis. The family moved to Cut Bank in 1934. Ervin graduated from Cut Bank High School in 1944 and enlisted in the Navy.

Ervin was stationed in the South Pacific during World War II. After his honorable discharge he went to college and in 1949 married Irene Kobel. Ervin earned a bachelor's degree from Colorado State College of Education, and in 1951 the family moved to Charlo where Ervin taught school. He later earned his master's degree from the University of Montana.

Ervin served in the Montana House of Representatives during the 1989, 1991 and 1993 sessions. He was on the State Administration Committee and the vice-chairman of the Education and Cultural Resources Committee. He was a supporter of education and the National Bison Range where he volunteered at the visitors' center. Ervin loved to travel and fish in Alaska.

Ervin is survived by his son, Mike, and his daughters and husbands, Lynda and Denny Lockwood and Diana and Phillip Russell; three grandchildren and two great-grandchildren.

MICHAEL GERALD "GERRY" DEVLIN

WHEREAS*, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Gerry Devlin on November 6th, 2015 in Miles City, Montana.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Gerry Devlin be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Gerry Devlin was born September 11, 1931 to Michael and Jeanette (McDowell) Devlin. He graduated from Terry High School in 1949 and attended the University of Montana for a brief time. In 1951 he was drafted into the Army and served in France until 1953 when he returned to the family ranch in northern Prairie County.

In 1954 Gerry married Jane Reeves, and they were happily married until she died in 1958. In 1959 Gerry married Isabelle Gonzales who had moved to Terry to teach at the high school. They were married for 53 years and raised three sons on the family ranch. Gerry was active in the Montana Wool Growers Association and was elected President of the association in 1985.

Gerry was elected to the Montana House of Representatives and served for 8 years in the House and then 12 years in the Montana Senate. He was Chairman of the House Tax Committee in 1985 and chaired Senate Tax in the 1995, 1997 and 1999 sessions. He developed many lifelong friends in both political parties. His political philosophy was "If it's not broken, don't try to fix it … and don't do for the people what they can do for themselves."

Gerry was preceded in death by his wife Isabelle Devlin, his wife Jane Devlin and daughter-in-law Susan Devlin. He is survived by his sons Ron, Tom and Tyler and numerous grandsons.

MICHAEL TRUMAN "MIKE" GREELY

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Michael Truman "Mike" Greely on January 26, 2017 at his family cabin on the Missouri River with his loyal companion, Rudy, by his side.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Mike Greely be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Mike Greely was born in Great Falls on February 28th, 1940. He graduated from Great Falls High and Yale University, and he received a law degree from the University of Montana law school. He was an Assistant Attorney General under Forrest Anderson and became a Deputy Cascade county Attorney in 1969.

Mike served in the House of Representatives during the 1971, 1973 and 1974 sessions where he was on the House Judiciary and State Administration committees. In 1975 he moved to the Senate and was on the Business and Industry and Judiciary committees. The 1974 session was the only annual session provided under Montana's new constitution before that provision was repealed.

He was elected Montana's Attorney General in 1976, serving 3 terms. He was the longest serving Attorney General in Montana. He lost an election as Governor in 1988 and as a Montana Supreme Court Justice in 1992. He finished his career in private practice, and retired to his cabin on the Missouri. He loved fly fishing, golf, crosswords, cribbage and sweets.

He was preceded in death by his parents, Myril and Laura Lee Greely. He is survived by his wife Marilyn, his children Winston Greely, Morgen Heckford Greely, and Anna Lee Greely, his grandchildren Adelade and Keaton Heckford, his sister Nancy Souder (Greely) and many nieces and nephews.

ANTOINETTE "TONI" HAGENER

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Antoinette "Toni" Hagener, a longtime Havre resident, on March 21, 2017, in Helena.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Toni Hagener be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Toni Hagener was born on November 22, 1926 in Buffalo, New York. She graduated with a degree in biological sciences and education from the University

of Colorado and taught biology in Denver and as a substitute for both Northern Montana College and the Havre Public Schools. She worked for Vita Rich Dairy in Havre as a lab tech where she established the quality testing laboratory for the dairy, one of the first dairy level testing labs in Montana.

Toni served as curator of the H. Earl Clack Museum in Havre where she earned national recognition for the interpretive displays of local history in the museum. She was a member and chair of the Montana Historical Society Board of Trustees. In 2013 the Louis & Antoinette Hagener Museum of the Northern Montana Plains Indian opened in the library of Northern Montana College.

Toni served in the Montana House of Representatives during the 1995, 1997, and 1999 sessions. She was on the State Administration, Local Government, Human Services and Aging, and Education committees and on the Audit Committee and Water Rights Compact Commission.

Toni was preceded in death by her husband, Louis and her son, James, She is survived by her children, Louis, Jeff (Debbie) Annie (Scott) Cubberly; grandchildren, Kirstin, Ryan, Heidi, Prairie and Jessie and 5 great-grandchildren.

ALAN HALE

WHEREAS*, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Alan Hale on April 23, 2016 in Boulder.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Alan Hale be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Alan Hale was born February 24th, 1953 in McNary, Arizona to Norman and Claudia Lee Hale. He spent lots of wonderful summers in Arizona with his grandfather, working in the garden and fishing on the Black River.

Alan was a jack of all trades. He logged in the White Mountains of Arizona. He

was a store manager, truck driver, miner, bartender and a cook. One of Alan's biggest dreams was to become a great-grandfather.

In 2011 he was elected to the Montana House of Representatives and served on the Agriculture, Natural Resources and Taxation committees. Alan was passionate about keeping natural resource jobs in Montana so his children wouldn't have to leave Montana to find work.

Alan is survived by his loving wife Gail, his children Robert, Ronny, Rody, Nicole and Cassie and their spouses, 15 grandchildren, 3 sisters, a brother, many loving cousins, nieces and nephews.

JOSEPH RAYMOND "JOE" HAMMOND

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Joseph Raymond "Joe" Hammond on December 20, 2016.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Joe Hammond be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Joe Hammond was born on December 19, 1948 in Missoula to George and Marie Hammond. He grew up with his 7 siblings, excelled in track and football for the Loyola Rams, and attended Carroll College where he played football, ran track, and boxed. He graduated from Carroll with a degree in education.

He married Karen Johnson in Lander, Wyoming on September 22, 1989, and the couple lived in northern Wyoming until returning to Missoula in 1996. Joe spent 18 years in education as a teacher, administrator, counselor and coach before returning to bartending. He found joy working around the house, the bar or helping friends and neighbors. He enjoyed spending time with his children, Tony, Felecia, and Kyle, his grandchildren, his extended family, or any person who happened to make his acquaintance.

Joe served during 1983 and 1985 as a State Representative in the Montana House of Representatives. He was on the Educational and Cultural Resources and Judiciary committees.

Joe was preceded in death by his brother Mike (Vicky). Survivors include his wife Karen; his children Tony (Shelby), Felecia (Kenny) Kutch (children with Loretta Rotellini) and Kyle; brothers Pat, Dennis, Kevin, Jim, Tim and sister Mary Ouelette; seven grandchildren and countless cousins, nieces and nephews.

DANIEL W. "DAN" HARRINGTON

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Dan Harrington on September 21, 2015 in Butte.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Dan Harrington be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Dan Harrington, teacher and 14-term legislator, was born February 12th, 1938 in Butte. He attended Immaculate Conception School and graduated from Butte Central High School and Montana Western College. Dan met the love of his life, Patricia Gallagher, while working on the John F. Kennedy campaign. They were married on December 29th, 1962. Dan taught history and government in Butte for 36 years.

Dan had a stellar political career, one Butte friend calling him "Mr. Democrat." He was a member of the Montana Constitutional Convention in 1972 and served in the legislature from 1977 until 2009. He spent 12 terms in the House of Representatives and two terms in the Montana Senate, serving on the Education and Taxation committees. He always championed increasing minimum-wage legislation and benefits for workers. He was also a strong environmentalist, saying, "It's because I'm from Butte that I'm an environmentalist."

Dan was inducted into the Butte Sports Hall of Fame in 1995 and served as Grand

Marshal of the 2012 St. Patrick's Day parade.

Dan is survived by his wife, Patricia, his three children, Kathleen (Charlie), Kevin (Trish) and Dan; and his grandchildren Megan and Ryan Coleman, Bryce and Tyler Harrington and Daniel and Henry Harrington.

ROBERT "BOB" HOFFMAN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Bob Hoffman on October 3, 2015 .*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Bob Hoffman be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bob Hoffman was born on June 3, 1924 in Great Falls to Judge HB and Ruth Hoffman. He worked on ranches in the Great Falls area as a young man, and, after serving in the South Pacific during World War II, he returned to Montana and attended Montana State University in Bozeman. While at MSU he met a young lady named Sara Jane Forgy who shared his ranching roots, and they were married on December 27, 1947.

After several years in Billings they moved their family to Whitehall where they operated a sheep and cattle operation on the "Whitetail." In 1959 they bought a small ranch in the Ruby Valley and moved their five children to Sheridan. After the arrival of their sixth child and as the older children left the nest, Bob and Sara decided to sell the ranch and pursue other interests.

Bob was elected as the Madison County Assessor and spent 15 years in that office. He ran a successful campaign for State Representative and served during the 1987 and 1989 legislative sessions. He served on the Taxation Committee both sessions, and he relished his time in the state legislature.

Bob is survived by his wife, Sara, five of his children, including former State

Representative David Hoffman, ten grandchildren and eight great-grandchildren. Daughter Judy Kay Hoffman is now deceased.

JANET "GAY" HOLLIDAY

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Janet "Gay" Holliday on January 19, 2017 in Roundup.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Gay Holliday be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Gay Holliday was born July 27, 1936 in Billings to Virgil and Margaret (Hardy) Fuller. She grew up on the family farm in Ballantine and at her home in Billings. She married Frank Holliday on Valentine's Day in 1954, and they ranched and raised their three sons north of Roundup where Frank was a ranch manager.

Gay was the first Charter President of Montana Women Involved in Farm Economics (WIFE), and she and Frank were co-founders of the Montana Simmental Association and the National Senior Pro Rodeo Association. They were the first inductees into the NSPRA Hall of Fame in 1995. She was a board member of Latigo, producers of the Montana Centennial Cattle Drive in 1989.

Gay served four terms in the Montana Legislature as a member of the House of Representatives. She was on the State Administration Committee and served as the vice-chair of the Agriculture, Livestock and Irrigation Committee.

With all her organizational work, Gay was most appreciated as a loving wife and mother. When tragedy struck her life, Gay became a selfless caretaker to her son Jeff, and later in life to her husband Frank. Gay was preceded in death by her parents, her husband Frank, her sons Jeff and Roger, her two brothers and a sister. She is survived by her son Dan (Sheryl) and her two grandchildren, Trey and Tanna, two brothers and two sisters.

KERRY KEYSER

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Kerry Keyser on March 26, 2017 in Ennis.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Kerry Keyser be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Kerry Keyser was born on January 27, 1929 to S. Emmett Keyser and Thelma Dunbar Keyser. Kerry spent his young years in Butte and many of his high school summers with his grandparents in Three Forks. He married Marilyn Louise Heim in 1948, and they lived on the ranch during their early years. Kerry joined the Montana Highway Patrol in 1956, a profession that suited him well. He combined a compassion for people with a Butte toughness that allowed him to face the sometimes harsh world of the Highway Patrol. Kerry spent the last ten years of his career in Ennis.

Kerry was elected to the Montana House of Representatives in 1976 and became the first active duty highway patrolman to be elected to the Legislature. He served on the Highway and Transportation, Judiciary, Human Services, and Labor and Employment committees during his tenure and was the House Republican Minority Whip in 1985.

Kerry's wife Marilyn passed away unexpectedly in 1981, and he married Doris Cousins in 1990. They moved to Billings, where Doris passed away in 2016. He also was preceded in death by an infant daughter, Linda Louise. He is survived by his children, Cheryl, Donna, Karen, and Scott and their spouses, his grandchildren, great-grandchildren, great-great-grandchildren, and nieces and nephews.

EDWARD "ED" LIEN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Ed Lien on November 6, 2016 in Billings.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Ed Lien be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Ed Lien was born to Halvor and Clara Lien on July 19, 1928 in McCone County. He was raised on the prairie south of Wolf Point where he attended a one-room school and learned to rope and ride and survive. In 1946 he married his high school sweetheart, Eldora Harlow, when she was 19 and he was 20. Although he began studying engineering at Montana State College in Bozeman, he left school to manage his father-in-law's wheat farm south of Wolf Point. To supplement his income he worked as editor of the Circle Banner.

Ed was a pioneer of diversified crops, and for several decades he was the secretary-treasurer of the Montana Cattlemen's Association. He was active in anti-trust litigation against beef packing houses.

He served three terms as a Democrat member of the Montana House of Representatives. As a member of the House Taxation Committee, he was a part of the team that developed and implemented Montana's Coal Tax Trust Fund. He also worked for the State Land Department as a field agent.

Ed was preceded in death by his parents, his wife Eldora, his brothers Harold and Eldon, his sister Prudence, his brother-in-law Walter and his daughter-in-law Dixie. He is survived by his son Russell, daughters Nancy and Nora (Neil) Mann; his sister Shirley (Russell) Zimmerman; sister-in-law Delores Lien, eight grandchildren and seven great-grandchildren.

DONALD G. LUCAS

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Don Lucas on December 8, 2016 in Polson.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Don Lucas be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Don Lucas was born in Miles City on May 10, 1930 to Peter and Helen Lucas. He grew up in Miles City where he excelled in Legion baseball, football and tennis. He played basketball for the UM Grizzlies, was a member of Sigma Nu fraternity, and received a business degree. He and Anna Martinson were married in Kalispell on January 17, 1953.

Don served in the Korean War and was stationed as an officer in the U.S. Army at Fort Ord, California. He later returned to the Montana Army National Guard and retired as a Captain with 26 years of total service. He was appointed Polson City Judge in 1990, a position he held until 2003.

Don served as a Republican in the Montana House of Representatives during the 1963 legislative session. He sat on the Judiciary, Public Health, Welfare and Safety and Affairs of Cities committees.

Don is survived by his wife of 63 years, Anna; his brother Jim (Carol), his children Deb (Randy), Chris (Alma), Lori, Kelly (Dick), and Pete (Barb). He also had nine grandchildren, Ryan, Annie, Lindsey, Katy, Nick, Alec, Ainur, Raya and Marcus; and four great-grandchildren, Sawyer, Trevor, Evelyn and Cora.

JAMES M. "JIM" MADISON

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Jim Madison in November 2016.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Jim Madison be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jim Madison was born on January 10, 1933 to Arthur and Edith Williams Madison. He attended a one-room elementary schoolhouse in Jefferson City, graduated from Jefferson High School, and went on to earn bachelor's and master's degrees in accounting from the University of Montana.

Jim worked for the State of Montana beginning at the Board of Equalization in 1955 and retired from his position as administrator of the Miscellaneous Tax Division in 1990. He worked from 1991 to 2000 for the Deferred Compensation Division. Jim was also a retired Colonel with the U. S. Army Reserve and was state secretary-treasurer of the Reserve Officers Association.

In 1990 Jim ran as a Democrat for the House of Representatives where he served during the 1991 session. He sat on the Taxation, Agriculture and Highways and Transportation committees.

Jim was a huge fan of the performing arts. He loved dinner out followed by a good opera or play, even if that meant going to Spokane or Salt Lake City. He also looked forward to the monthly dinners and entertainment at the Metropolitan Dinner Club.

Jim is survived by his nephew, William "Lee" Madison and wife Lisa of Jefferson City as well as Lee's children and many other nieces and nephews.

ROBERT "BRUCE" MALCOLM

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Robert "Bruce" Malcolm on January 28, 2017 at home with his wife, Connie, at his side.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Bruce Malcolm be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bruce Malcolm was born on December 16, 1936 to Alexander A. "Sandy" Malcolm and Elizabeth "Bess" (Brockman). He spent his early life on the Mill Creek ranch and graduated from Park County High School and from Montana State University with a degree in Ag Economics. Returning to the ranch on Mill Creek, Bruce and his brother, Phil, ran Mile Hi Ranch and worked with Montana State to develop individual production records on their cow herd.

On October 30, 1972, Bruce married Connie Merrell. They had two children, Chad and Sandra. The couple ran an outfitting company for 25 years, and one of Bruce's few regrets was that he wished he'd taken one more horseback trip.

Bruce was deeply involved in his community. He particularly enjoyed his time as a member of the State Wolf Advisory Board as they developed the state's wolf policy.

His greatest honor was serving the state and its people in the Montana Legislature. He was a State Representative during the 2003 and 2005 legislative sessions. He served on the Agriculture, Judiciary, State Administration and Transportation committees.

He is survived by his wife of 44 years, Connie; his children Chad and Sandy (Jim) Morgan, five grandchildren; and his brother, Phil. He was preceded in death by his grandson, Tyler Malcolm.

YVONNE "BONNIE" MARTINEZ

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Yvonne "Bonnie" Martinez on March 18, 2017 at age 91 in Billings.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Bonnie Martinez be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Bonnie Martinez was born in Billings on April 16, 1925. She graduated from Billings Senior High School, attended Eastern Montana College, and graduated in cosmetology from Edson Technology School in Seattle. She married Antonio Avalos Martinez in 1950.

Bonnie worked in the Los Angeles Police Department and the San Diego County Welfare Department before joining the Yellowstone County Welfare Department where she worked for 20 years as an eligibility technician.

Bonnie ran for and won a seat in the House of Representatives for the 1995 session. She served on the Human Services and Aging and State Administration committees.

Bonnie had seven children: Anthony, Dana, Karla, Lance, Mark, Robin and Yvette. She is also survived by 17 grandchildren and 33 great-grandchildren.

BEATRICE "BEA" McCARTHY

***WHEREAS,** it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Bea McCarthy on August 8, 2016 in Anaconda, Montana.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the*

late Bea McCarthy be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.

Bea McCarthy was born April 17, 1935 in Geyser, Montana to Robert and Rose McKenna. She graduated from MSU with a Bachelor's degree in Elementary Education. Bea married Ed McCarthy in 1959, and they raised five children.

Bea was appointed to the Montana Board of Regents in 1983, and in 1991 she was elected to the House of Representatives. In 1995 she was elected to the Senate, and during her Senate tenure she was a member of the executive board of the Council of State Governments-West and the National Council of State Legislatures. Bea chaired the Environmental Quality Council and was a founding member of the Legislative Council on River Governance.

After Bea retired from the Legislature in 2005, she was hired as a lobbyist for Northwestern Energy. She served as President of the Montana Retired Teachers and volunteered at many Anaconda events such as Art in the Park and the Ancient Order of the Hibernians.

Bea was preceded in death by her parents; brothers Lyle, Don and Francis; sisters Ann Theresa and Helen; her husband Ed; and her son, John. She is survived by her brother, Maurice McKenna (Terri); daughters, Colleen (Larry), and Mary (Mike Lacroix); and sons Ed (Donna) and Pat (Michele); grandchildren, Katy and Britni Riley, Triston Spehar, Kasey and Conner McCarthy, Kodie Gadley, Amy (Doug) Loughry, Brad (Jasmine) and Eric Woodward; great-grandchildren, Kylee, Nyah, and Peyton Woodward and Bryna Loughry and numerous nieces and nephews.

BRUCE A. MEASURE

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Bruce Measure on June 6, 2016, in Kalispell.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Bruce Measure be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bruce Measure was born August 14, 1951 in Kalispell, fourth child to Ambrose and Laura Jo Measure. After graduating from Flathead High School in 1969 he joined the U.S. military and served as a military policeman from 1971-1973. He earned a two-year degree in forestry, an undergraduate degree in political science and a Juris Doctorate from the University of Montana. Bruce worked in forest management and then practiced law with his father. He became a partner in the firm of Measure, Sampsell, Sullivan and O'Brien.

Bruce was elected in 1990 to the House of Representatives and served one term representing House District 6, serving on the Judiciary, Natural Resources, and Fish, Wildlife and Parks committees. In 2004 he was appointed to the Northwest Power and Conservation Council where he served for 8 years. A primary focus for Bruce was to champion the interests of western Montana.

Bruce loved hiking, floating and skiing Big Mountain with his family. He enjoyed playing music on his guitar and singing with his friends. He also enjoyed attending his grandchildren's academic and athletic events.

He is survived by his son Buckthorne, wife Tara and their two children, Rhett and Maggie; his former wife, Ann Van Twest; his brothers Christopher and Edward and sisters Loraine and Suzanne and their families.

GERALD D. "JERRY" NISBET

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Gerald D. "Jerry" Nisbet on December 30, 2016 in Great Falls.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Jerry Nisbet be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jerry Nisbet was born on September 13, 1941. He was raised in Great Falls and attended Montana State University where he met his wife, Emily Gene Worthy. They were married on September 16, 1961 until her death in 2006.

Jerry served as a Captain in the Army with tours in Vietnam and Greece from 1964-1969. He was decorated with a Bronze Star as well as many other commendations. After returning to the U.S., Jerry became a social studies teacher at North Junior High and at C. M. Russell High School before retiring in 1993.

Jerry served from 1983-1991 as a member of the Montana House of Representatives. He was a member of the Legislative Administration and Appropriations committees.

After leaving his retirement home in Lincoln, Montana, he moved to Fernley, Nevada and then to Remlap, Alabama before making his way back to Montana. His travels across the country were with his wife Emily who passed away in 2006. Jerry continued to travel with longtime friend, Shirley Sundquist, and they eventually settled in Great Falls to take care of one another.

Jerry is survived by his companion, Shirley Sundquist; his children Jerri Nisbet Lance (Tom), Kelly Nisbet; Alec Nisbet (Kate), and Mendi Nisbet (Steve Gibbons), and six grandchildren.

ROBERT "BOB" PIPINICH

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-fifth Legislative Assembly of the State of Montana record the passing of Robert Pipinich on May 20, 2016, in Missoula.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Bob Pipinich be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.*

Bob Pipinich was born July 2, 1935 in Anaconda to John and Emma Pipinich. He graduated from Anaconda High School and joined the U.S. Air Force in 1954 where he was a reconnaissance photographer. While in the service, Bob married Luella Buck of Missoula. They had six children: Gene, Judy, John, Jolene, Tim, and Nick.

Back in Anaconda after the military, Bob was hired by the Anaconda Company as an electronic computer systems specialist. In 1980 he moved to Missoula to work for the Champion International Frenchtown Paper Mill and retired in 1998.

In 1989 Bob was elected to the Montana State Senate and served two terms. While in the Senate, he was chairman of the Fish and Game Committee and was on the Labor and Employment Relations, Public Health and Safety and Labor committees.

He was preceded in death by his parents and his wife Luella. He is survived by his sister Sherry Compestine; his sons Gene (Cindy) Pipinich, Tim (Leann) Pipinich, Nick (Dawn) Pipinich and John (Claire) Pipinich; his daughters Jolene (William) Carr, and Judy Smith; 14 grandchildren and 7 great-grandchildren.

HAROLD POULSEN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Harold Poulsen on August 21, 2016 in Great Falls surrounded by friends and family at age 90.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Harold Poulsen be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Harold Poulsen, born December 16, 1925 in Iowa to Danish immigrant parents, grew up on the family dairy farm in Albuquerque. He served in the Army Air Corps during World War II as a radar technician where he, always an entrepreneur, sold bootlegged liquor to officers. After the service, Harold married

Peggy Cole and worked as a procurement officer for Sandia Corp., shepherding nuclear devices to the South Pacific and witnessing several atomic tests.

He soon formed several of his own electronics firms, one of which he sold to a national electronics manufacturer. In 1961 he moved to Great Falls to join his brother "Swede" Poulsen in a small roofing and insulation business, Poulsen's, Inc., which soon grew into a multi-state chain of home improvement centers known as Thunderbird Stores.

Harold was elected to the Montana Legislature as a State Representative for the 1987 legislative session. He was the first freshman representative ever appointed to the Appropriations Committee. He and his second wife, Carman, traveled extensively. He was a private pilot and enjoyed hunting, western art and artifacts, and the newest "fast roadster."

Harold is survived by his wife Carman; sons Randy (Dorothy), Don (Ping), and Mark (Gerianne); stepsons Randy (Kathy) Robertson and Mark Robertson; seven grandchildren, seven great-grandchildren; and his sister Elsie Byrd.

JOE QUILICI

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Joe Quilici on August 14, 2016, in Butte.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Joe Quilici be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Joe Quilici was born July 6, 1925 to Joseph and Sennie Quilici. Right after football season ended for Butte High in 1943, Joe and his best friend enlisted in basic training for the Merchant Marines. In 1944 he began sailing the world, and thus began his love of the sea. Joe served in the Atlantic, Pacific and the Mediterranean-Middle East war zones. One of Joe's greatest honors later in life was being able to take an "Honor Flight."

After Joe retired from the Merchant Marines he returned to Butte and, among other jobs, he drove a cab. At times he would travel to San Francisco for work just to be close to the sea, always returning home to Butte. While working for Owl Cab, he met the love of his life, Georgia Ann Furthmyre. They were married on July 18, 1953 in Butte, and they opened Quilici Glass in 1971. Joe and Georgia were married 63 married years and had five children.

Joe and Georgia opened Quilici Glass in 1971 shortly after Joe served his first term in the Legislature. Joe spent 30 years as a state lawmaker. Joe held many positions in the Legislature, serving as both a Democrat minority and majority whip. Joe was selected as one of 12 legislators from around the United States to visit Germany after the Berlin wall came down.

He is survived by his wife, Georgia; sons, Joe (Sandy) Quilici, Bob Quilici; daughter, Theresa Quilici Newbreast, Andi (Paul) McCaughey and Mickey (Jay) Lawrence; 11 grandchildren and 4 great-grandchildren.

BOB REAM

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-fifth Legislative Assembly of the State of Montana record the passing of Bob Ream on March 22, 2017 in Helena.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Bob Ream be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bob Ream was born on August 2, 1936 in Wisconsin to Howard and Eunice Ream. He grew up on a farm, and he began his education in one-and two-room schoolhouses. Following his dad's career meant continuing his education in Washington D.C., Thailand, a boarding school in India, Milwaukee, and the Philippines.

After receiving his Ph.D. degree, Bob taught at the University of Denver and then went to work for the Forest Service. While working in the Boundary Waters Canoe Area Wilderness, the only area in the lower 48 states then inhabited by wolves, he was with the first team to capture a wolf and radio-collar it. In 1969 Bob accepted a faculty position at the University of Montana School of Forestry, and Montana became his home.

Bob served in the Montana House of Representatives from 1983 to 1997 where he was involved with fish and game, taxation and natural resource issues. He sponsored Montana's stream access law. He chaired the Montana Fish, Wildlife and Parks Commission and was on the board of the International Wolf Center.

Bob is survived by his wife, Ann; his children, Tarn, Rolf (Sacha Vignieri) and Jake Brodsky; his grandson, Griffin; his sister, brother and nieces and nephews.

JOHN C. "SKEFF" SHEEHY

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of John C. "Skeff" Sheehy, on April 7, 2017 in Helena.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Skeff Sheehy be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Skeff Sheehy was born in Butte on January 27, 1918 to Cornelius and Anna Sheehy. He obtained his law degree from the University of Montana in 1943 and practiced law in Billings for 30 years. His work was recognized by both the State Bar of Montana and the Montana Trial Lawyers Association.

Skeff served in both houses of the state legislature between 1959 and 1970. He served on the Highways and Transportation and the Constitution, Election and Federal Relations committees and was vice-chairman of the Judiciary Committee.

In 1978 Gov. Tom Judge appointed him to the Montana Supreme Court, and he

was elected to his seat twice before retiring in 1991. Justice Sheehy was the author of the decision rejecting the challenge to Montana's coal severance tax, which was upheld by the U.S. Supreme Court.

Skeff and Rita, married in 1945, raised 11 children and attended their events all over Montana. He loved the bustle of people around and parades, games, weddings and funerals. He was preceded in death by his wife Rita; brothers Tom, Edmund, Joseph and Jim; his sister Margaret, known as Sister Serene Sheehy; and by his granddaughter Rita Mary. Surviving are his 11 children: Anne, Tom, Mary, Patrick, Kate, Eileen, Rosalie, Margaret, Jenifer, Martha and John; his sister, 19 grandchildren, nine great-grandchildren, and many nieces and nephews.

EDWARD B. "ED" SMITH

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Edward B. Smith on January 25, 2016 in Plentywood.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Ed Smith be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

"Big Ed" Smith was born on May 7, 1920 to Bruce and Johanna Williams in Dagmar, Montana. When Ed was 16 he took over running the family farm and ranch. In 1945 Ed married the love of his life, Juliet Ellevold, and together they raised 4 sons.

Ed loved playing baseball and pitched for the Dagmar team for many years. It was while playing baseball that he earned the nickname "Big Ed," and the name stuck. Ed also loved to hunt and fish and spent many days hunting with his brother. His passion was his ranch, and he was always looking for ways to improve it.

Ed served in the Montana State Legislature from northeastern Montana for 20 years, from 1967 to 1987, and he was a powerful force in the Capitol. He served on the Legislative Finance Committee and the Environmental Quality Council. Ed

also ran for Governor in 1972. After he retired from the legislature he continued to serve on the Montana Highway Commission for a number of years.

Ed is survived by his wife, Juliet; four sons, Gary (Marilyn), Doug, Rod (Mary), Bruce (Karen), his sister Alberta Bonnifield, six grandchildren, seven great grandchildren and two great great grandchildren.

JAMES "MIKE" SPRAGUE

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of James "Mike" Sprague on April 16th, 2016 in Billings.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Mike Sprague be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Mike Sprague was born to Jack Henry and Mary Ann Sprague on January 14, 1944 in Cut Bank as the last of 4 children.

Mike married Colleen "Susie" McBee, whom he met at the movies in the 7th grade, before enlisting in the U.S. Navy. Later they moved their family to Billings where he earned a bachelor's degree from Eastern Montana College. Mike was an entrepreneur and business developer of various businesses, from a car wash, a tanning salon and a pawnshop to a paint contracting business and remodeling apartments.

Mike served in the Montana State Senate from the 1995 to 2003 sessions, retiring in 2005 as the Dean of the Senate. He was vice-chair of the Business & Industry committee and chairman of the Local Government Committee. At his Senate retirement party, instead of a speech, he lip-synced the Roger Whittaker song, "The First Hello, The Last Goodbye."

In 2009 Mike lost his son Michael to a motorcycle accident. He is survived by his wife Susie; his daughter Lori Bjork; daughter-in-law Teresa Sprague; his

grandchildren Madeline and Rachel Bjork and Mason and Mikayla Sprague; and his siblings Ramona Batista, Jack Sprague and Jerry Sprague.

CAROLYN SQUIRES

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Carolyn Squires on March 21, 2016 in Butte.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Carolyn Squires be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted:*

Carolyn Squires was born September 25, 1940 in Whitefish. She grew up in Everett, Washington and graduated with an associate's degree in arts and science from Everett Community Junior College. She returned to Montana with her two boys in 1965 and received an LPN license from Missoula Vo-Tech. She was a nurse for 32 years before joining the AFL-CIO Project Challenge Program.

Carolyn was married to the love of her life, Harry Squires, for 42 years, and together they raised their two sons in Missoula, enjoying Lady Griz games and camping near Seeley Lake. Carolyn was a union organizer and political activist who marched in picket lines in her fight to protect the rights of workers and those she believed were marginalized by the political system.

In 1986 Carolyn was elected to the Montana House of Representatives, and she represented south-central Missoula for 26 years in both the House of Representatives and the Senate. She served as Senate Majority Whip and chair of the House Business and Labor and the Senate State Administration committees.

Carolyn was preceded in death by her husband, Harry. She is survived by her sons Paul (Laurel) Daniels and their children Dennis and Megan, and Keith (Angela) Daniels and their daughter Linsey; great-grandson Mason; half-brother, Dale Emerson; brother-in-law, Ralph Squires as well as numerous nieces and nephews.

JESSICA "JESS" STICKNEY

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Jessica Stickney on October 4, 2016 in Billings.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Jessica Stickney be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Jessica was born on May 16, 1929 in Duluth, Minnesota to Ralph and Claudia (Cox) Page. She was active in Pilgrim Fellowship, which was supervised by Ed Stickney's dad, the Conference Minister for the Congregational church. It was through this association that she and Ed met in the summer of 1948. After graduation Jessica and Ed were married with Ed's dad officiating.

After Ed's medical school internship was complete, Ed and Jessica moved to Broadus where he established his first medical practice. They moved to Miles City in 1961, and Ed practiced there for 37 years. Jess served on the school board and was a founding board member of the Custer County Art Center. In 1986 Jess received an Honorary Doctor of Humanities degree from Rocky Mountain College.

Jessica was elected to serve in the Montana Legislature in the 1989 and 1991 sessions. She was on the Human Services and Aging and Judiciary committees and was vice-chair of the Local Government Committee.

Jessica was preceded in death by her parents, her brother David Page and her sister Elizabeth Owens. She is survived by her husband Ed, their children, Claudia (Bob) Fife, Laura (John) Blodgett, and Jeff (Peggy) Stickney; grandchildren Jessica Gerttula, William Fife, Andrew (Julienne) Stickney and David Stickney; and great-grandchildren Liam and Lena Gerttula.

JEAN ALLEN TURNAGE

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Jean Turnage on September 27, 2015 in Ronan.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Jean Turnage be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jean Turnage, a member of the Confederated Salish and Kootenai tribes, was born in St. Ignatius on March 10, 1926. After high school graduation in 1944, he enlisted in the Army Air Corps. He served as a top turret gunner on a B-29 until his honorable discharge in 1946. Following his discharge he attended the University of Montana and received his law degree in 1951. Jean opened his own law firm in Polson in 1951 and in 1952 he met and married the love of his life, Eula Mae Johnson.

Jean was elected as the Lake County Attorney in 1952. In 1962 he was elected to the Montana House of Representatives and two years later to the State Senate. As a Senator he served as the chairman of the Taxation and Judiciary committees, the minority leader in 1967, majority leader in 1977 and President of the Senate in 1983. In 1984 he was elected Chief Justice of the Montana Supreme Court where he served until 2000 when he returned to private practice.

He is survived by his wife, Eula Mae; daughter, Patricia; son, Lloyd (Geri); grandchildren Erin Leonard (Doug Trigg), James Turnage and Joseph Turnage; and great-grandchildren, Tristian, Austin and Natalie Leonard.

BOB WILLIAMS

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Bob Williams on January 31, 2016 in Missoula.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Bob Williams be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bob Williams was born June 1, 1929 to Gert and Dave Williams. He graduated from Hobson High School in 1947 and spent most of his life in Central Montana. In 1953 Bob married Kati Stamm, and together they had 5 children. Drafted into the Army in 1961, Bob spent 19 months in Germany. He worked for 30 years as a lineman for Fergus Electric.

Bob was elected Mayor of Hobson in 1960 and served as director of the Montana School Boards Association from 1972-1974. In 1970 Bob was elected State Commander of the Montana American Legion and was on the Legion's National Executive Committee.

In 1984 Bob was elected to the Montana State Senate and served until 1992. He was a member of the Agriculture, Business & Labor and Highways and Transportation committees and as chairman of the Fish and Game Committee.

Bob is survived by his daughter, Kimberly Baumann of Hobson; sons Marc (AriZona), Dirk (Kristine Foot), Eric (Kristine) and Tryg (Heather Guckeen); 12 grandchildren and 14 great-grandchildren. He was preceded in death by his wife, Kati, and brothers Jim, Don, Jack and Howard.

WILLIAM R. "BILL" WISEMAN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Fifth Legislative Assembly of the State of Montana record the passing of Bill Wiseman on February 15, 2017 in Bozeman.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late William Wiseman be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bill was born June 1, 1932, on his family's farm in Moore County, Texas. He grew up during the dust bowl, but the rains returned, World War II ended the Great Depression, and Bill graduated from Dumas High. He attended Texas A&M on an ROTC scholarship and went into the Air Force in 1954. He married Iva "Boots" Libby, and they began their lives as an Air Force family, traveling wherever Bill was stationed. They lived in 22 different houses in the first 20 years of marriage.

Bill played a large role during the Cold War, spending 10 years as a B-47 and B-52 pilot and aircraft commander. After a year in Saigon during the Vietnam War, Bill was transferred to Malmstrom Air Force Base. He retired from the Air Force in 1978 and began his second career as a stockbroker in Great Falls. He served in the Montana House of Representatives from 1993 to 1998. He was a member of the House Appropriations Committee for three sessions and "never saw an appropriation that he thought could not be reduced."

Before his passing, Bill lost his wife Boots and his son Scott. He is survived by his sons Don (Vicki), Brady (Cyndy Andrus) and Kelly (Babs Noelle); three grandchildren, Haley Wiseman, Katie Matteson and Mikey Matteson, and a great-grandson Zaiden Wagner.

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 11, 2017 — State Capitol

Senate convened at 11:00 a.m. President Sales presiding. Invocation by Senator Moore. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/11/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, and seventieth legislative days, find the same to be correct.

Correctly printed: **SR 3**, **SR 59**, **SR 60**, **SR 61**, **SR 65**, **SJ 23**, **SJ 24**, **SJ 25**, **SJ 27**, **HB 6**, **HB 7**, **HB 9**, **HB 11**, **HB 216**, **HB 224**, **HB 225**, **HB 228**, **HB 339**, **HB 344**, **HB 365**, **HB 429**, **HB 433**, **HB 572**, **HB 585**, **HB 599**, **HB 604**, **HB 631**.

Correctly engrossed: **SJ 26**, **HB 387**, **HB 550**, **HB 591**, **HB 595**, **HB 600**, **HB 652**.

Correctly enrolled: **SB 45**, **SB 93**, **SB 116**, **SB 117**, **SB 213**, **SB 240**, **SB 242**, **SB 254**, **SB 278**, **SB 279**, **SB 286**, **SR 6**, **SR 54**, **SR 55**, **SR 56**.

Examined by the sponsor and found to be correct: **SB 43**, **SB 44**, **SB 45**, **SB 46**, **SB 93**, **SB 99**, **SB 116**, **SB 117**, **SB 118**, **SB 144**, **SB 158**, **SB 163**, **SB 175**, **SB 176**, **SB 200**, **SB 207**, **SB 213**, **SB 216**, **SB 240**, **SB 242**, **SB 260**, **SB 270**, **SB 274**, **SB 284**, **SB 286**, **SB 291**, **SB 292**, **SB 319**, **SR 6**, **SR 54**, **SR 55**, **SR 56**.

Transmitted to the House: **HB 4**, **HB 118**, **HB 554**, **HB 574**, **HB 583**, **HB 589**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/11/2017

SJ 26, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.
Following: "SYSTEM"
Insert: "RELATING TO BEER AND WINE"

2. Page 1, line 9.
Strike: "alcohol"
Insert: "beer and wine"

3. Page 1, line 21.
Strike: "alcohol"
Insert: "beer and wine"

4. Page 1, line 24.
Strike: "liquor,"

5. Page 2, line 7 through line 10.
Strike: "BE IT FURTHER" on line 7 through "controlled system." on line 10

And, as amended, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/10/2017
SR 60, be adopted.
SR 61, be adopted.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/6/2017
HB 585, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/10/2017
HB 387, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "DEPARTMENT OF" on line 5 through "ESTABLISH" on line 6
Insert: "CONTINUED USE OF"
Strike: "INTENSIVE BEHAVIOR CENTER"
Insert: "SECURE FACILITY"

2. Title, page 1, line 8.
Following: "CENTER;"
Insert: "EXTENDING THE DATE FOR COURT COMMITMENTS TO THE MONTANA DEVELOPMENTAL CENTER; PROVIDING A CAP ON THE CENSUS AT THE MONTANA DEVELOPMENTAL CENTER; PROVIDING DIRECTION TO THE DEPARTMENT;"
Following: "DEFINITIONS;"
Strike: "PROVIDING" through "AMENDING SECTION 1,"
Insert: "AMENDING SECTIONS 53-20-125 AND 53-20-129, MCA; AMENDING SECTIONS 1, 3, and 4,"

3. Title, page 1, line 9 through line 10.
Following: "2015;" on line 9
Insert: "REPEALING SECTION 2, CHAPTER 444, LAWS OF 2015;"
Following: "DATE"
Insert: "AND A TERMINATION DATE"
Strike: ";AMENDING" on line 9 through "2015" on line 10

4. Page 1, line 19 and line 20.
Strike: "The department" on line 19 through the first "a" on line 20
Insert: "There is a state-operated"

Strike: "as a new service" on line 20

5. Page 1, line 27.
Strike: "the department" through "to file"

6. Page 1, line 28.
Following: "petition"
Insert: "has been filed"

7. Page 1, line 29 through line 30.
Strike: "through imposition" on line 29 through "53-20-121" on line 30

8. Page 2, line 3.
Strike: "4"
Insert: "3"

9. Page 2, line 6 through line 7.
Strike: section 4 in its entirety
Renumber: subsequent sections

10. Page 2.
Following: line 8
Insert: "Section 4. Section 53-20-125, MCA, is amended to read:

"53-20-125. Outcome of screening -- recommendation for commitment or imposition of community treatment plan -- hearing. (1) A court may commit a person to a residential facility or impose a community treatment plan only if the person:

(a) is 18 years of age or older; and

(b) is determined to be seriously developmentally disabled and in need of commitment to a residential facility or imposition of a community treatment plan by the residential facility screening team, as provided in 53-20-133, and by a court, as provided in 53-20-129 or in this section.

(2) After the screening required by 53-20-133, the residential facility screening team shall file its written recommendation and report with the court. The report must include the factual basis for the recommendation and must describe any tests or evaluation devices that have been employed in evaluating the respondent. The residential facility screening team shall provide to the court, the county attorney, the respondent's attorney, and any other party requesting it the social and placement information that the team relied on in making its determination.

(3) The residential facility team may recommend commitment to a specific residential facility.

(4) Notice of the determination of the residential facility screening team must be mailed or delivered to:

(a) the respondent;

(b) the respondent's parents, guardian, or next of kin, if known;

(c) the responsible person;

(d) the respondent's advocate, if any;

(e) the county attorney;

(f) the residential facility to which the residential facility screening team has recommended commitment;

(g) the attorney for the respondent, if any; and

(h) the attorney for the parents or guardian, if any.

(5) The respondent, the respondent's parents or guardian, the responsible person, the respondent's advocate, if any, or the attorney for any party may request that a hearing be held on the recommendation of the residential facility screening team. The request for a hearing must be made in writing within 15 days of service of the report.

(6) Notice of the hearing must be mailed or delivered to each of the parties listed in subsection (5).

(7) The hearing must be held before the court without jury. The rules of civil procedure apply.

(8) Upon receiving the report of the residential facility screening team and after a hearing, if one is requested, the court shall enter findings of fact and take one of the following actions:

(a) If both the residential facility screening team and the court find that the respondent is seriously developmentally disabled and in need of commitment to a residential facility, the court shall order the respondent committed to a residential facility for an extended course of treatment and habilitation, subject to the provisions of subsection (12).

(b) If both the residential facility screening team and the court find that the respondent is seriously developmentally disabled but either the residential facility screening team or the court finds that a less restrictive community treatment plan has been proposed, the court may impose a community treatment plan that meets the conditions set forth in 53-20-133(4). If the court finds that a community treatment plan proposed by the parties or recommended by the residential facility screening team does not meet the conditions set forth in 53-20-133(4), it may order the respondent committed to a residential facility. The court may not impose a community treatment plan unless the residential facility screening team certifies that all services in the proposed plan meet the conditions of 53-20-133(4)(c) and (4)(d).

(c) If either the residential facility screening team or the court finds that the respondent has a developmental disability but is not seriously developmentally disabled, the court shall dismiss the petition and refer the respondent to the department of public health and human services to be considered for placement in voluntary community-based services according to 53-20-209.

(d) If either the residential facility screening team or the court finds that the respondent does not have a developmental disability or is not in need of developmental disabilities services, the court shall dismiss the petition.

(9) (a) If the residential facility screening team recommends commitment to a residential facility or imposition of a community treatment plan and none of the parties notified of the recommendation request a hearing within 15 days of service of the screening team's report, the court may:

(i) issue an order committing the respondent to the residential facility for an extended period of treatment and habilitation;

(ii) issue an order imposing a community treatment plan that the court finds meets the conditions set forth in 53-20-133(4); or

(iii) initiate its own inquiry as to whether an order should be granted.

(b) The court may not impose a community treatment plan unless the residential facility screening team certifies that all services in the proposed plan meet the conditions in 53-20-133(4)(c) and (4)(d).

(10) The court may refuse to authorize commitment of a respondent to a residential facility for an extended period of treatment and habilitation if commitment is not in the best interests of the respondent.

(11) A court order entered in a proceeding under this part must be provided to the residential facility screening team.

(12) (a) A court may not commit a respondent to a residential facility unless the facility has confirmed in writing that admission of the respondent will not cause the census at the residential facility to exceed its licensed capacity.

(b) After ~~December 31, 2016~~ March 31, 2019, a court may not commit a respondent to the Montana developmental center.""

Insert: "Section 5. Section 53-20-129, MCA, is amended to read:

"53-20-129. Emergency admission and commitment. (1) Subject to the provisions of subsection (3), a person believed to be seriously developmentally disabled may be admitted to a residential facility or a temporary court-ordered community treatment plan may be imposed on an emergency basis without notice to the person or approval by the residential facility screening team when necessary to protect the person or others from death or serious bodily injury, as defined in 45-2-101.

(2) An emergency admission to a residential facility may be initiated only by a developmental disabilities professional.

(3) (a) An emergency admission to a residential facility may not proceed unless the residential facility has confirmed in writing that admission of the person will not cause the census at the facility to exceed its licensed capacity and that the facility can accommodate the emergency needs of the person.

(b) After ~~December 31, 2016~~ March 31, 2019, an emergency admission may not be made to the Montana developmental center.

(4) A petition for emergency commitment must be filed on the next judicial day after an emergency admission to a residential facility by the county attorney of the county where the respondent resides.

(5) A petition for imposition of an emergency community treatment plan may be filed by the county attorney of the county where the respondent resides and must include or have attached the written report of a case manager. Any temporary community treatment plan must meet the conditions set forth in 53-20-133(4).

(6) The residential facility screening team shall report back to the court on the seventh judicial day following the filing of the petition for emergency commitment or imposition of a temporary community treatment plan.

(7) Once the report of the residential facility screening team is received by the court, continued placement in the residential facility or continued imposition of the temporary community treatment plan may not continue without an order of the court for emergency commitment or continued imposition of the community treatment plan.

(8) A court may order an emergency commitment or continue a temporary community treatment plan only when the residential facility screening team has recommended and the court has determined that the emergency commitment or continued imposition of a community treatment plan is necessary to protect the respondent or others from death or serious bodily injury, as defined in 45-2-101. Any temporary community treatment plan must meet the conditions set forth in 53-20-133(4).

(9) An order for emergency commitment or continued imposition of a temporary community treatment plan may be entered without a hearing before the court if the court finds that the record supports the order.

(10) An emergency commitment to a residential facility or imposition of a temporary community treatment plan may not continue for longer than 30 days after placement in the residential facility or imposition of a temporary community treatment plan unless a petition for an extended commitment to the residential facility or for imposition of a community treatment plan as provided in 53-20-121 has been filed.""

11. Page 2, line 15.
Following: "2019;"
Strike: "and"

12. Page 2, line 18.
Following: "~~and~~"
Insert: ";"

13. Page 2, line 24.
Strike: "."

14. Page 2, line 25.
Insert: "(3) cap the census at the Montana developmental center at 24 residents and continue to transition residents out of the Montana developmental center and into community-based services. As part of this transition, the legislature intends for the department of public health and human services to:

(a) actively pursue the timely discharge of Montana developmental center residents into community-based services; and

(b) work with community providers to develop necessary services.

(4) by no later than September 30, 2017, submit to the centers for medicare and medicaid services a request for an amendment to the medicaid home and community-based services 0208 waiver for individuals with developmental disabilities that, while not exceeding the amount of medicaid waiver appropriations in House Bill No. 2:

(a) allows individuals and providers to use the entirety of each individual's cost plan to provide services that the individual needs to be successful in the community, including a request to pay a daily rate rather than an hourly rate as one option for fully using the cost plan;

(b) provides the flexibility necessary to enable the provision of professional services to an individual; and

(c) provides a sufficient number of emergency slots throughout Montana to accommodate individuals who may go into crisis."

Insert: **"Section 7.** Section 3, Chapter 444, Laws of 2015, is amended to read:

"**Section 3. ~~Transition planning -- department~~ Department of public health and human services responsibilities -- rulemaking.** The department of public health and human services shall~~:~~

~~(1) provide members of the transition planning committee with necessary information and staff support to carry out the committee's duties;~~

~~(2) implement a plan for the closure of the Montana developmental center based on recommendations from the transition planning committee; and~~

~~(3)~~ designate by rule the criteria that a community-based service must meet to be designated as a residential facility.""

Insert: **"Section 8.** Section 4, Chapter 444, Laws of 2015, is amended to read:

"**Section 4. Transfer fee.** The department of public health and human services shall assess a fee of ~~$1,000~~ $1,100 on a provider of community-based services who returns an individual to the Montana developmental center within 90 days after accepting the individual for community-based services.""

15. Page 2, line 27.
Following: "**center**"
Insert: " **-- report to legislature**"

16. Page 2, line 28.
Following: "services to"
Insert: ":

(1) use the assessment and stabilization unit at the Montana developmental center campus as the intensive behavior center provided for in [section 2];

(2)"

17. Page 2, line 29.
Following: "2017"
Strike: ", and to"
Insert: ";"

(3) report to the 2019 legislature on:

(a) the availability of crisis services in the community, including any unmet need for crisis services and the department's plans for meeting that need;

(b) the status of the closure efforts; and

(c) recommendations for completing closure of the Montana developmental center, including recommendations for any legislative action needed; and

(4)"

18. Page 3, line 1 through line 3.
Strike: section 7 in its entirety
Insert: "NEW SECTION. **Section 10. Repealer.** Section 2, Chapter 444, Laws of 2015, is repealed."
Renumber: subsequent section

19. Page 3.
Following: line 23
Insert: "NEW SECTION. **Section 12. Termination.** [Sections 1 through 3] terminate June 30, 2019."

And, as amended, be concurred in.

HB 572, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/10/2017
SR 59, be adopted.
HB 599, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 145**
Report No. 001, April 10, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 145** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 145** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 12.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

2. Page 2, line 29.
Strike: "policyholder"
Insert: "policyowner"

3. Page 3, line 1.
Strike: "policyholder"
Insert: "policyowner"

4. Page 3, line 3.
Strike: "policyholder"
Insert: "policyowner"

5. Page 9, line 5.
Strike: "on passage and approval"
Insert: "January 1, 2018"

For the Senate:
Buttrey, Chair
Pomnichowski
Vance

For the House:
Z. Brown, Vice Chair
Grubbs
Trebas

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 280**
Report No. 001, April 10, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 280** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 280** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "AND" on line 8 through "EMPLOYEES" on line 9

2. Page 2, line 5 through line 6.
Following: "officer" on line 5
Strike: remainder of line 5 through "SERGEANT-AT-ARMS," on line 6

3. Page 2, line 14 through line 15.
Following: "officers" on line 14
Strike: remainder of line 14 through "ARE" on line 15

4. Page 3, line 20.
Following: "officer"
Strike: ", INCLUDING" through "SERGEANT-AT ARMS,"

For the Senate:
K. Regier, Chair
Sands
Vincent

For the House:
Berglee, Vice Chair
Brodehl
Perry

MESSAGES FROM THE GOVERNOR

April 10, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 155** (SB 155), "AN ACT PROVIDING CONSISTENCY OF AGRICULTURAL AND VEGETABLE SEED REGULATION BY

THE STATE; PROHIBITING LOCAL GOVERNMENT REGULATION OF AGRICULTURAL SEED; PROVIDING EXCEPTIONS; AMENDING SECTIONS 7-1-111, 80-5-120, AND 80-5-1236, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 155 seeks to provide consistent regulation of agricultural and vegetable seed. In its current form, it goes further than is necessary to accomplish its stated intent. My amendments clarfy that local governments are not prohibited from adopting regulations governing the registration, labeling, notification of use; and marketing of agricultural and vegetable seeds.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 155
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 10, 2017 (11:07am)

1. Page 2, line 24.
Strike: "registration, labeling, marketing,"
Following: "possession,"
Strike: "notification of use,"

2. Page 8, line 5 through line 6.
Strike: "registration, labeling, marketing," on line 5
Strike: "notification" on line 5 through the first "use," on line 6

April 10, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the

State of Montana, I hereby **return with amendments Senate Bill 127** (SB 127), "AN ACT REVISING PUBLIC OFFICE VACANCY LAWS; PROVIDING THAT AN OFFICE BECOMES VACANT ON THE EFFECTIVE DATE STIPULATED IN THE OFFICIAL RESIGNATION OF AN INCUMBENT; PROVIDING THAT RESIGNATIONS MUST STIPULATE AN EFFECTIVE DATE; CLARIFYING LEGISLATOR APPOINTMENT LAWS REGARDING VACANCY AND RESIGNATION; AND AMENDING SECTIONS 2-16-501, 2-16-502, AND 5-2-402, MCA."

SB 127 revised the public office vacancy laws so that resignations of public officers are effective upon the date stipulated in a resignation letter, rather than after the 72-hour period within which a resignation may be withdrawn. The bill maintains the 72-hour rule, but makes the resignation "official" rather than "effective" upon the passage of the 72 hours. The bill was brought with a legislative vacancy in mind, where it takes weeks to seat a successor. If a legislator withdraws his or her resignation within 72 hours of its submission, no great harm is done because the process to seat a successor will have only just begun and can be easily terminated.

Unfortunately, the mechanics of the bill may not always work with other public officer vacancies. For example, a vacancy could occur in the office of the Attorney General or the Secretary of State. In such a case, the governor must appoint a person to fill the unexpired term. *See, e.g.,*§ 2-16-505-506, MCA. Under SB 127, it would be possible for an officer to resign effective immediately and be replaced immediately thereafter by the governor's appointee. However, the resignee could still change his or her mind within the 72-hour period, after the appointee has already taken office. This creates a situation where two people could claim a right to the same office.

I support the clarity that SB 127 is attempting to bring to the resignation process. My amendments further simplify the bill by eliminating the 72-hour rule entirely. The 72-hour rule unnecessarily creates uncertainty when there is a need for clarity. By eliminating the rule, it is absolutely clear that a resignation is effective and final upon the date stipulated in a resignation letter.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 127
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 25, 2017 (4:17pm)

1. Page 2, line 5.
Strike: "(1)"

2. Page 2, line 7.
Strike: "(a)"
Insert: "(1)"

3. Page 2, line 9.
Strike: "(b)"
Insert: "(2)"

4. Page 2, line 10.
Strike: "(c)"
Insert: "(3)"

5. Page 2, line 13.
Strike: "(d)"
Insert: "(4)"

6. Page 2, line 15.
Strike: "(e)"
Insert: "(5)"

7. Page 2, line 16.
Strike: "(f)"
Insert: "(6)"

8. Page 2, line 17.
Strike: "(g)"
Insert: "(7)"

9. Page 2, line 18 through line 20.
Strike: subsection (2) in its entirety

10. Page 2, line 28 through line 29.
Strike: "or OFFICIAL" on line 28 through "2-16-502(2)" on line 29

11. Page 3, line 1.
Strike: "or OFFICIAL resignation"

12. Page 3, line 19.
Strike: "or OFFICIAL resignation"

13. Page 3, line 28.
Strike: "or OFFICIAL resignation"

14. Page 4, line 5.
Strike: "OR OFFICIAL RESIGNATION"

15. Page 4, line 11 through line 12.
Strike: "OR OFFICIAL" on line 11 through "RESIGNATION" on line 12

16. Page 4, line 14.
Strike: "OR OFFICIAL RESIGNATION"

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/10/2017

SB 254, introduced by M. Blasdel
SB 278, introduced by S. Hinebauch
SB 279, introduced by C. Vincent
SB 281, introduced by C. Vincent

Senate joint resolution concurred in and returned to the Senate: 4/10/2017

SJ 15, introduced by D. Howard

Free Conference Committee Report No.1 adopted: 4/10/2017

SB 25, introduced by M. Blasdel

Senate amendments to House bills concurred in: 4/10/2017

HB 126, introduced by R. Shaw
HB 393, introduced by D. Zolnikov
HB 415, introduced by S. Morigeau
HB 416, introduced by E. Greef
HB 485, introduced by T. Manzella
HB 510, introduced by A. Hertz
HB 516, introduced by K. Dudik

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/10/2017

HB 148, introduced by D. Zolnikov

MOTIONS

Majority Leader Thomas moved that **SR 3** be taken from the Highways and Transportation Committee and placed on second reading this date. Without objection, so ordered.

Majority Leader Thomas moved that **HB 136** be taken from today's second reading agenda and

re-referred to the Finance and Claims Committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 20, SR 21, SR 43, SR 44, HB 622 - Senator Connell moved consideration of **SR 20, SR 21, SR 43, SR 44** and **HB 622** be placed at the bottom of the board. Without objection, so ordered.

Senator Olszewski excused at this time.

HB 550 - Senator Hoven moved **HB 550** be concurred in.

HB 550 - Senator Richmond moved **HB 550**, second reading copy, be amended as follows:

1. Page 2, line 25.
Following: "~~(B)~~"
Insert: "(a) Except as provided in subsection (11)(b), a taxpayer that claims a federal net operating loss carryback is automatically considered to have elected a state net operating loss carryback, and a taxpayer that claims a federal net operating loss carryover is automatically considered to have elected a state net operating loss carryover. If a taxpayer is permitted to claim a federal net operating loss carryback for a term greater than the three preceeding tax periods, then the taxpayer is considered to have elected a 3-year net operating loss carryback.
(b)"

2. Page 2, line 25.
Following: "~~CARRYOVER~~"
Insert: "or carryover"

3. Page 2, line 26.
Strike: "ENTIRE CARRYBACK PERIOD"
Insert: "automatic election in subsection (11)(a)"

4. Page 2, line 27.
Following: "~~BACK OR~~"
Insert: "back or"
Strike: "ONLY"
Insert: "as elected by the taxpayer"

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Swandal, Vuckovich, Whitford, Wolken, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: Olszewski.
Total 1

HB 550 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Olszewski.
Total 1

Senator Olszewski present at this time.

SR 57 - Senator Whitford moved **SR 57** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 39

Nays: Brown, Fielder, Hinebauch, Keenan, Moore, Osmundson, Regier, Vance, Vincent, Webb, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 390 - Senator L. Jones moved consideration of **HB 390** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 344 - Senator Welborn moved **HB 344** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 631 - Senator Salomon moved **HB 631** be concurred in. Motion carried as follows:

Yeas: Ankney, Buttrey, Caferro, Connell, Facey, Gauthier, Gross, Hinkle, Jones, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Welborn, Whitford, Wolken.
Total 27

Nays: Barrett, Blasdel, Boland, Brown, Cohenour, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, MacDonald, Malek, Pomnichowski, Sands, Smith F, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, MacDonald, Malek, McClafferty, Osmundson, Phillips, Regier, Richmond, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Fitzpatrick, Hoven, Keenan, Lang, McNally, Moore, Olszewski, Pomnichowski, Salomon, Sands, Smith F, Tempel, Vuckovich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Committee arose. Senate resumed. President Sales presiding.

Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this date. Motion carried.
Senate recessed at 12:25 p.m.

Senate reconvened at 12:58 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/11/2017
SJ 25, do pass.
SR 65, be adopted.
HB 595, be amended as follows:

1. Page 1, line 23.
Following: line 23
Insert: "(3) No cause of action shall arise as a consequence of harm caused to an unborn baby by an unintentional act of its mother."
Renumber: subsequent subsection

And, as amended, be concurred in.

Without objection, committee reports were adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 325 - Senator K. Regier moved **HB 325** be concurred in.

HB 325 - Senator Thomas moved **HB 325**, second reading copy, be amended as follows:

1. Title, page 1, line 15.
Strike: "PROVIDING GOVERNMENTAL IMMUNITY;"

2. Page 1, line 24 through line 25.
Strike: "**-- immunity**" on line 24 through "**liability**" on line 25

3. Page 3, line 2 through line 3.
Strike: subsection (7) in its entirety

4. Page 3, line 28.
Strike: "**-- immunity from liability**"

5. Page 17, line 23 through line 25.
Strike: section 23 in its entirety

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Caferro, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, MacDonald, Osmundson, Phillips, Regier, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Wolken, Mr.President.
Total 23

Nays: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 325 - Thereupon, the Senate reverted to the original motion of Senator K. Regier which **failed** as follows:

Yeas: Blasdel, Brown, Caferro, Fielder, Hinebauch, Hinkle, Howard, Kary, MacDonald, McClafferty, Osmundson, Phillips, Regier, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Wolken, Mr.President.
Total 22

Nays: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Keenan, Lang, Malek, McNally, Moore, Olszewski, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 325 - Majority Leader Thomas moved **HB 325** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski,

Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Caferro, Fielder, Hinebauch, Hinkle, Howard, MacDonald, Regier, Salomon, Smith C, Thomas, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 3 - Majority Leader Thomas moved consideration of **SR 3** be placed at the top of the second reading board. Without objection, so ordered.

Senator Moore excused at this time.

SR 3 - Senator Thomas moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 3.** Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 39

Nays: Brown, Howard, Keenan, Olszewski, Osmundson, Smith C, Swandal, Vance, Webb, Welborn.
Total 10

Absent or not voting: None.
Total 0

Excused: Moore.
Total 1

Senator Moore present at this time.

HB 442 - Senator R. Webb moved **HB 442** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vincent, Vuckovich, Webb, Whitford, Wolken.

Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 442 - Majority Leader Thomas moved **HB 442** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Welborn, Wolken, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Webb, Whitford.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 28 - Senator Ankney moved **SJ 28** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 29 - Senator Ankney moved **SJ 29** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 42 - **House Amendments** - Senator Barrett moved House amendments to **SB 42** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 - **House Amendments** - Senator Wolken moved House amendments to **SB 63** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 64 - **House Amendments** - Senator Wolken moved House amendments to **SB 64** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 92 - **House Amendments** - Senator Olszewski moved House amendments to **SB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120 - **House Amendments** - Senator Swandal moved House amendments to **SB 120** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126 - **House Amendments** - Senator K. Regier moved House amendments to **SB 126** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Cohenour, Gross, Malek, Pomnichowski.
Total 5

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 148 - **Governor's Amendments** - Senator Swandal moved Governor's amendments to **HB 148** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 652 - Senator C. Smith moved **HB 652** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 6 - Senator Welborn moved **HB 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 7 - Senator Sesso moved **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 9 - Senator Welborn moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Brown, Fielder, Hinebauch, Hinkle, Kary, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 11 - Senator Sesso moved **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 591 - Senator Olszewski moved **HB 591** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Connell, Gauthier, Howard, Jones, Lang, Malek, McClafferty, McNally, Olszewski, Phillips, Salomon, Sands, Sesso, Tempel, Vuckovich, Whitford, Wolken.
Total 21

Nays: Blasdel, Brown, Buttrey, Cohenour, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Kary, Keenan, MacDonald, Moore, Osmundson, Pomnichowski, Regier, Richmond, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 591 - Majority Leader Thomas moved **HB 591** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Sands, Small,

Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 41

Nays: Barrett, Caferro, Gauthier, McNally, Phillips, Salomon, Sesso, Whitford, Wolken.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 20 - Senator Vincent moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 20**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Webb.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 21 - Senator Vincent moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 21**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 43 - Senator Vincent moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 43**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 44 - Senator Vincent moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 44**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 622 - Senator Vincent moved **HB 622** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 390 - Senator L. Jones moved **HB 390** be concurred in.

HB 390 - Senator L. Jones moved **HB 390**, second reading copy, be amended as follows:

1. Page 7.
Following: line 7
Insert: "(3) If [this act], Senate Bill No. 260, and Senate Bill No. 307 are passed and approved, then up to $2 million of the earnings transferred from the school facilities fund provided for in [section 1(1) of Senate Bill No. 260] to the account established in [section 8 of Senate Bill No. 307] is appropriated in fiscal year 2019 to the office of public instruction for the uses described in [section 8 of Senate Bill No. 307]."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 390 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 23 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Brown, Facey, Keenan, Pomnichowski, Vincent, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 24 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Howard, Keenan, Moore, Osmundson, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 27 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 44

Nays: Hinebauch, Keenan, Smith C, Swandal, Vincent, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 143, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 27, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Caferro, Cohenour, Gross, MacDonald, Sesso.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 197 as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: MacDonald, Sands.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 208 as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Barrett, Cohenour, Facey, MacDonald, McNally, Pomnichowski, Sesso.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Barrett, Cohenour, Facey, Gross, MacDonald, Malek, Pomnichowski, Sands, Smith F, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Cohenour, Howard, Kary, Moore, Osmundson, Salomon, Smith C, Vance.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 40

Nays: Blasdel, Brown, Fitzpatrick, Gross, Hinebauch, Hinkle, Keenan, Smith C, Welborn, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 13, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 18, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 216 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 224 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 39

Nays: Brown, Hinebauch, Kary, Keenan, Lang, Regier, Smith C, Swandal, Vance, Vincent, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 225 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 30

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Salomon, Smith C, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 339 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 365 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 429 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder,

Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Cohenour, Keenan, Malek.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 433 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 228 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Fielder, Hinebauch, Regier, Smith C, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/11/2017
HB 133, be amended as follows:

1. Title, page 1, line 11 through line 12.
Strike: "LIMITING" on line 11 through "YOUNGER;" on line 12
Insert: "REVISING THE MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER;"

2. Title, page 1, line 15.
Strike: "ABOLISHING"
Insert: "REVISING"

3. Title, page 1, line 19.
Strike: "46-18-222,"

4. Title, line 20.
Strike: "53-30-403,"
Strike: "61-8-410,"

5. Title, page 1, line 21.
Following: "61-8-731,"
Insert: "AND"
Following: "61-8-732,"
Strike: "AND 61-11-101,"

6. Page 6, line 22.
Following: "conviction"
Strike: "or"
Insert: "and"

7. Page 16, line 28.
Strike: "25"
Insert: "10"

8. Page 16, line 29.
Strike: "46-18-222(1) through (5)"
Insert: "46-18-222"
Strike: "25"
Insert: "10"

9. Page 16, line 30.
Strike: "The exception" through "apply."

10. Page 18, line 6.
Strike: "25"
Insert: "10"

11. Page 18, line 7.
Strike: "46-18-222(1) through (5)"
Insert: "46-18-222"
Strike: "25"
Insert: "10"

12. Page 18, line 8.
Strike: "The exception" through "apply."

13. Page 20, line 1.
Strike: "25"
Insert: "10"

14. Page 20, line 2.
Strike: "46-18-222(1) through (5)"
Insert: "46-18-222"
Strike: "25"

Insert: "10"

15. Page 20, line 3.
Strike: "The exception" through "apply."

16. Page 29, line 27.
Following: "(2)"
Insert: "(a)"
Following: "provided in"
Strike: "subsection"
Insert: "subsections (2)(b) and"

17. Page 29, following line 29.
Insert: "(b) A person convicted of a second or subsequent violation of subsections (1)(a) through (1)(f) within 1 year shall be fined an amount not to exceed $100 or be imprisoned in the county jail for a term not to exceed 10 days."

18. Page 29, line 30.
Following: "through"
Strike: "(i)"
Insert: "(1)(i)"

19. Page 37, line 27 and line 28.
Strike: "THAT ARE" on line 27 through "46-23-502" on line 28

20. Page 37, line 28.
Strike: "SEXUAL OFFENSE" on line 28 through "IS A" on line 29

21. Page 37, line 29.
Following: "FELONIES."
Insert: "At least one of the three felonies must be a sexual offense or a violent offense as those terms are defined in 46-23-502."

22. Page 38, line 1 through line 2.
Strike: "SEXUAL" on line 1 through "46-23-502," on line 2
Insert: "offenses"

23. Page 45, line 11 through page 46, line 7.
Strike: section 27 in its entirety
Renumber: subsequent sections

24. Page 50, line 24 through page 51, line 19.
Strike: section 31 in its entirety
Renumber: subsequent sections

25. Page 54, line 19 through line 24.
Strike: subsection (b)(i) in its entirety
Insert: "(b)(i) A person convicted of the offense of driving a motor vehicle without proof of a statutory exemption for the second time shall be punished by imprisonment for not less than 2 days or more than 6 months and may be fined not more than $500.

(ii) Except as provided in subsection (1)(b)(iii), a person convicted of the offense of driving during a suspension or revocation period shall be fined an amount not to exceed $500 or be imprisoned for a term of not more than 6 months, or both."
Renumber: subsequent subsections

26. Page 54, line 29.
Strike: "be"
Following: "~~a term of~~"
Strike: "not"
Following: "~~2 days or~~"
Insert: "a term of not less than 2 days or"

27. Page 58, line 9 through line 29.
Strike: section 38 in its entirety
Renumber: subsequent sections

28. Page 66, line 7.
Following: "**~~education,~~**"
Insert: ", education,"

29. Page 66, line 10.
Strike: "and"
Insert: "(b) for a first conviction, except as provided in subsection (8)(b), a chemical dependency education course; and"
Renumber: subsequent subsections

30. Page 66, line 16.
Strike: "shall"
Insert: "may, in the judge's discretion,"

31. Page 66, line 19.
Following: "~~sentence.~~"
Insert: "If the assessment is not ordered or completed before sentencing, the judge shall order the chemical dependency assessment as part of the sentence."

32. Page 66, line 20.
Following: "~~course~~"
Insert: "and the chemical dependency education course"

33. Page 66, line 25.

Following: "~~course,~~"
Insert: ", the education course,"

34. Page 66, line 27.
Following: "~~education,~~"
Insert: "education,"
Following: "~~, or both~~"
Insert: ", or both"

35. Page 67, line 8.
Following: the first "~~education or~~"
Insert: "education or"
Following: the second "~~education or~~"
Insert: "the education or"

36. Page 67, line 9.
Following: "~~course or~~"
Insert: "education course or"

37. Page 67, line 10.
Following: "~~course or~~"
Insert: "course or"

38. Page 67, line 15.
Following: "(8)"
Insert: "(a)"

39. Page 67, following line 18.
Insert: "(b) If treatment is ordered under subsection (8)(a) for a first-time offender, the offender may not also be required to attend a chemical dependency education course."

40. Page 67, line 28 through page 70, line 6.
Strike: section 42 in its entirety
Renumber: subsequent sections

41. Page 70, line 18.
Following: line 18
Insert: "COORDINATION SECTION. **Section 41. Coordination instruction.** If Senate Bill No. 280 and [this act] are both passed and approved and if both contain a section that amends 61-5-212, then the section in Senate Bill No. 280 that amends 61-5-212 is void."

And, as amended, be concurred in.

HB 600, be amended as follows:

1. Title, page 1, line 6 through line 7.
Following: "CARD;" on line 6
Strike: "PROVIDING A FEE FOR THE FORM OF THE VICTIM'S RIGHTS CARD;" on line 6 through line 7

2. Page 2, line 6 through line 8.
Strike: "Each" on line 6 through "card." on line 8

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Senator Gross moved that **HB 142** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wolken moved to change her second-reading vote on **HB 631** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 294** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/11/2017

Senator Fitzpatrick, Chair
Senator Buttrey
Senator Facey

Majority Leader Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 64** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/11/2017

Senator Fielder, Chair
Senator Swandal
Senator Wolken

Majority Leader Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 63** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/11/2017

Senator K. Regier, Chair
Senator Hinkle
Senator Wolken

Majority Leader Thomas moved that **HB 391** be taken from the second reading board and re-referred to the Taxation Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 637** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate reconsider its action on **SB 348**, and that **SB 348** be placed on second reading the next legislative day. Motion failed as follows:

Yeas: Caferro, Facey, Fielder, Gross, Hinkle, Hoven, Kary, Keenan, MacDonald, Moore, Olszewski, Richmond, Salomon, Swandal, Thomas, Webb, Wolken.
Total 17

Nays: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Fitzpatrick, Gauthier, Hinebauch, Howard, Jones, Lang, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Mr.President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 10:30 a.m., Wednesday, April 12, 2017, the seventy-seventh legislative day. Motion carried.

Senate adjourned at 3:15 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 12, 2017 — State Capitol

Senate convened at 10:30 a.m. President Sales presiding. Invocation by Senator Hinkle. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Swandal excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/12/2017
Correctly printed: **SR 39**, **SR 45**, **SR 51**, **SR 58**, **SR 63**, **SR 66**, **SJ 25**, **SJ 28**, **SJ 29**, **HB 6**, **HB 7**, **HB 9**, **HB 11**, **HB 133**, **HB 142**, **HB 614**, **HB 622**, **HB 623**, **HB 633**, **HB 652**, **HB 653**, **HB 660**.
Correctly engrossed: **SB 133**, **SB 390**, **HB 5**, **HB 308**, **HB 391**, **HB 434**, **HB 473**, **HB 562**, **HB 565**, **HB 600**, **HB 618**, **HB 639**, **HB 648**, **HB 650**.
Correctly enrolled: **SB 27**, **SB 208**, **SB 227**, **SB 268**, **SB 281**, **SB 282**, **SB 283**, **SB 307**, **SB 314**, **SB 325**, **SR 3**, **SR 20**, **SR 21**, **SR 43**, **SR 44**, **SR 57**, **SR 59**, **SR 60**, **SR 61**, **SR 65, SJ 13**, **SJ 15**, **SJ 18**.
Examined by the sponsor and found to be correct: **SB 27**, **SB 208**, **SB 254**, **SB 268**, **SB 278**, **SB 279**, **SB 281**, **SB 282**, **SB 283**, **SB 314**, **SB 325**, **SR 57**, **SJ 15**.
Transmitted to the House: **SJ 23**, **SJ 24**, **SJ 27**, **HB 216**, **HB 224**, **HB 225**, **HB 228**, **HB 339**, **HB 365**, **HB 429**, **HB 433**, **HB 604**.
Signed by the President at 8:25 a.m., April 12, 2017: **SB 319**.
Signed by the Secretary of the Senate at 8:25 a.m., April 12, 2017: **SB 319**.
Signed by the Speaker at 9:00 a.m., April 12, 2017: **SB 319**.
Delivered to the Governor at 10:08 a.m., April 12, 2017: **SB 319**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/11/2017
SR 63, be adopted.
HB 614, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/11/2017
SR 58, be adopted.
HB 633, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 4/11/2017
HB 618, be amended as follows:

1. Title, page 1, line 5.

Following: "RATES;"
Insert: "PROVIDING A WAGE INCREASE FOR CERTAIN DIRECT CARE WORKERS;"

2. Page 1, line 17.
Strike: "$1.20"
Insert: "$3"

3. Page 1, line 20.
Strike: "$2.20"
Insert: "$7"

4. Page 2, line 10.
Following: "purpose of"
Insert: ": (i)"

5. Page 2, line 12
Following: "homes"
Strike: "."
Insert: "; and
(ii) in each year of the biennium beginning July 1, 2017, providing a wage increase of 50 cents per hour to certified nursing assistants working in nursing facilities, provided in increments of 25 cents per hour every 6 months."

6. Page 2, line 17.
Following: "(1)"
Insert: "(a)"

7. Page 2, line 18.
Strike: "$1,788,492"
Insert: "$4,427,982"

8. Page 2, line 19.
Strike: "$3,278,902"
Insert: "$10,331,958"

9. Page 2.
Following: line 19
Insert: "(b) Of the amount appropriated in subsection (1)(a), $584,120 must be used in fiscal year 2018 and $1,365,085 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(1)(c)(ii)."

10. Page 2, line 20.
Following: "(2)"
Insert: "(a)"

11. Page 2, line 21.
Strike: "$3,389,539"
Insert: "$8,391,884"
Strike: "$6,370,603"
Insert: "$20,074,039"

12. Page 2.
Following: line 22
Insert: "(b) Of the amount appropriated in subsection (2)(a), $1,103,112 must be used in fiscal year 2018 and $2,577,968 in fiscal year 2019 for the wage increase for certified nursing assistants provided for in 15-60-211(1)(c)(ii)."

And, as amended, be concurred in.

HB 648, be amended as follows:

1. Title, page 1, line 9.
Following: "~~APPROPRIATION;~~"
Insert: "DIRECTING COAL SEVERANCE TAX TO THE GENERAL FUND FOR STATUTORY APPROPRIATION TO THE PENSION SYSTEM; PROVIDING FOR A STATUTORY APPROPRIATION; CREATING STATE SPECIAL REVENUE ACCOUNTS; TEMPORARILY EXPANDING USAGE OF STATE PARK FUNDS;"

2. Title, page 1, line 10.
Following: "~~17-7-502,~~"
Insert: "17-7-502, 61-3-321, 75-10-743,"

3. Title, page 1, line 10.
Following: "MCA;"
Insert: "AMENDING SECTION 3, CHAPTER 115, LAWS OF 2017; AMENDING SECTION 11, CHAPTER 400, LAWS OF 2015;"

4. Title, page 1, line 11.
Following: "DATES"
Insert: "AND A TERMINATION DATE"

5. Page 1, line 15.
Following: "**transfers.**"
Insert: "(1)"

6. Page 1, line 17.
Strike: subsection (1) in its entirety

7. Page 1, line 18.
Strike: "(2)"

Insert: "(a)"

8. Page 1, line 19.
Strike: "(3)"
Insert: "(b)"

9. Page 1.
Following: line 19
Insert: "(2) By August 15, 2017, the state treasurer shall transfer $120,000 from the water storage state special revenue account established in 85-1-631 to the ground water assessment state special revenue account provided for in 85-2-905."

10. Page 2.
Following: line 6
Insert: "NEW SECTION. **Section 3. Supplemental state contribution -- appropriation.** (1) (a) For the fiscal
year beginning July 1, 2017, the state shall contribute $31.386 million and for the fiscal year beginning July 1, 2018, the state shall contribute $31.958 million from the general fund to the public employees' retirement system pension trust as a supplemental contribution to the public employees' retirement system.

(b) Starting in the fiscal year beginning July 1, 2019, the state shall contribute from the general fund to the public employees' retirement system pension trust 101% of the contribution from the previous years as a supplemental contribution to the public employees' retirement system.

(c)The 69th legislature shall review the performance of subsection (1)(b) and make recommendations for adjustments as needed.

(2) This contribution is statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust fund."
Renumber: subsequent sections

11. Page 2, line 10.
Following: "department"
Insert: "related to animal health"

12. Page 2, line 13.
Strike: "animal health"
Insert: "laboratory"

13. Page 2, line 18.
Insert: "NEW SECTION. **Section 5. Basic library services account.** There is a basic library services account in the state special revenue fund established by 17-2-102 to be administered by the state library for providing basic library services."
Insert: "NEW SECTION. **Section 6. Conservation district account.** There is a conservation district account in the state special revenue fund established by 17-2-102 to be administered by the department of natural resources and conservation for providing funding for conservation districts."

Insert: "NEW SECTION. **Section 7. Growth through agriculture account.** There is a growth through agriculture account in the state special revenue fund established by 17-2-102 to be administered by the department of agriculture for providing funding for the growth through agriculture program."
Renumber: subsequent sections

14. Page 2, line 27.
Strike: "0.93%"
Insert: "0.85% in fiscal year 2018 and 0.88% in fiscal year 2019"

15. Page 2, line 29.
Following: "networking"
Insert: "and must be deposited in the basic library services account established in [section 5]"

16. Page 2, line 30.
Strike: "3.71%"
Insert: "3.89% in fiscal year 2018 and 3.83% in fiscal year 2019"

17. Page 3, line 1.
Following: "districts"
Insert: "and deposited in the conservation district account established in [section 6]"

18. Page 3, line 2.
Strike: "0.82%"
Insert: "0.72% in fiscal year 2018 and 0.75% in fiscal year 2019"
Following: "Act"
Insert: "and deposited in the growth through agriculture account established in [section 7]"

19. Page 3, line 24 through line 26.
Strike: "AND IS" on line 24 through "19-3-103" on line 26

20. Page 4, line 8.
Strike: "; AND"

21. Page 4, line 9 through line 13.
Strike: subsection (iv) through subsection (c) in their entirety

22. Page 4, line 27.
Strike: "0.93%"
Insert: "0.90% in fiscal year 2020 and 0.93% in fiscal year 2021 and in each fiscal year thereafter"

23. Page 4, line 29.
Following: "networking"
Insert: "and must be deposited in the basic library services account established in [section 5]"

24. Page 4, line 30.
Strike: "3.71%"
Insert: "3.77% in fiscal year 2020 and 3.71% in fiscal year 2021 and in each fiscal year thereafter"
Following: "allocated to"
Insert: "the department of natural resources and conservation for"
Following: "districts"
Insert: "and deposited in the conservation district account established in [section 6]"

25. Page 5, line 1.
Strike: "0.82%"
Insert: "0.79% in fiscal year 2020 and 0.82% in fiscal year 2021 and in each fiscal year thereafter"
Following: "Act"
Insert: "and deposited in the growth through agriculture account established in [section 7]"

26. Page 5, line 20.
Strike: "(A) SUBJECT TO SUBSECTION (11)(B), ALL"
Insert: "All"

27. Page 5, line 21.
Following: "state"
Insert: "."

28. Page 5, line 22 through line 30.
Strike: line 22 through line 30

29. Page 7, line 25.
Insert: "Section 9. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; [section 3]; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108;

53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)""

Insert: "Section 10. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(a) if the vehicle is 4 or less years old, $217;

(b) if the vehicle is 5 through 10 years old, $87; and

(c) if the vehicle is 11 or more years old, $28.

(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, $61.25; or

(b) if the declared weight is 6,000 pounds or more, $148.25.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, $10; and

(b) under 2,850 pounds, $5.

(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is $61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is $22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.50;

(ii) unless a new set of license plates is being issued, an insurance verification fee of $5, which must be deposited in the account established under 61-6-158;

(iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

(iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is $53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50.

(b) An additional fee of $16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, $72; and

(b) 16 feet in length or longer, $152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is $60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of $40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of $20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is $25.

(b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is $25.

(c) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to 61-8-391 is $25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of $10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The $10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of $15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that $2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of $6 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited

in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the $6 fee, the department of fish, wildlife, and parks shall use $5.37 for state parks or as otherwise appropriated by the legislature, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional $6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of $5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.""

Insert: "Section 11. Section 75-10-743, MCA, is amended to read:

"75-10-743. Orphan share state special revenue account -- reimbursement of claims -- payment of department costs. (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and, except as provided in subsections (9), (10), and (11), must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-751, to provide funding for the department of justice for investigations pursuant to its natural resource damage program, to pay costs incurred by the department in defending the orphan share, and to pay remedial action costs incurred by the department pursuant to subsection (12). Any amounts provided for investigations must be returned to the account, with interest, from the settlement proceeds of a claim made under the natural resource damage program within 30 days of receiving settlement proceeds.

(2) There must be deposited in the orphan share account:

(a) all penalties assessed pursuant to 75-10-750(12);

(b) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;

(c) unencumbered funds remaining in the abandoned mines state special revenue account;

(d) interest income on the account;

(e) funds received from settlements pursuant to 75-10-719(7); and

(f) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share account contains sufficient money, valid claims must be reimbursed

subsequently in the order in which they were received by the department. If the orphan share account does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share account, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share account does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsections (6) and (7), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share account until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Except as provided in subsection (6), reimbursement from the orphan share account must be limited to actual documented remedial action costs incurred after the date of a petition provided for in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-751 in proportion to their allocated shares. The orphan share account is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share account, the department's costs incurred in defending the orphan share must be paid from the orphan share account in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share account, persons participating in the allocation under 75-10-742 through 75-10-751 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share account and must be reimbursed as provided in subsection (3).

(c) A state agency that is liable for remedial action costs incurred has a claim against the orphan share account and must be reimbursed as provided in subsection (3). The agency may submit a claim before or after remedial action is complete. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs. The agency may be reimbursed only after:

(i) its liability has been determined pursuant to 75-10-742 through 75-10-751 or by a court of competent jurisdiction;

(ii) it has received a notice letter pursuant to 75-10-711; and

(iii) the department has approved the costs.

(7) (a) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(b) The department may reimburse claims from a lead liable person upon completion and department approval of a report evaluating the nature and extent of contamination and a report formulating and evaluating final remediation alternatives. This early reimbursement is limited to those eligible costs incurred by the lead liable person for the preparation of the reports.

(8) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share account for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

(9) (a) For the biennium beginning July 1, 2005, up to $1.25 million may be used by the department to pay the costs incurred by the department in contracting for evaluating the extent of contamination and formulating final remediation alternatives for releases at the Kalispell pole and timber, reliance refinery company, and Yale oil corporation facility complex. If the department spends less than $1.25 million for those purposes, the remaining funds must be spent for remediation of the facility complex. The department may not seek recovery of the $1.25 million from potentially liable persons.

(b) The money spent pursuant to subsection (9)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement for payment of the remedial action costs at the facility for which the money was spent.

(10) (a) The department shall transfer from the orphan share account to the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 $1.2 million in each fiscal year until the board of investments makes the certification pursuant to subsection (10)(b) of this section.

(b) (i) The board of investments shall monitor the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 to determine when the amount of money in the long-term or perpetual water treatment permanent trust fund will be sufficient, with future earnings, to provide a fund balance of $19.3 million on January 1, 2018.

(ii) When the board of investments makes the determination pursuant to subsection (10)(b)(i), the board of investments shall notify the department and certify to the department the amount of money, if any, that must be transferred during the fiscal year in which the board of investments makes its determination pursuant to subsection (10)(b)(i) in order to provide a fund balance of $19.3 million on January 1, 2018.

(iii) In the fiscal year that the board of investments makes its determination and notifies the department, the department shall transfer only the amount certified by the board of investments, if any, and may not make additional transfers during subsequent fiscal years.

(c) After July 1, 2018, the department shall transfer $1.2 million in each fiscal year from the orphan share state special revenue account to the environmental quality protection fund provided in 75-10-704.

(11) The orphan share account is subject to legislative fund transfers.

(12) Except as provided in subsection (13), the department may use the orphan share account to:

(a) take remedial action at a facility where there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment and there is no readily apparent person who is financially viable and potentially liable under 75-10-715 to conduct the remedial action; or

(b) fund the administration of data collection, the monitoring of the performance of remedial action, and the initial assessment of a facility to determine whether that facility may be closed or delisted.

(13) The department may not use for data collection, initial assessments, or monitoring

pursuant to subsection (12)(b) more than 20% of the funds appropriated from the orphan share account for the bienniums beginning July 1, 2015, and ending June 30, 2025. For the bienniums beginning July 1, 2025, no more than 15% of the funds appropriated from the orphan share account may be used for data collection, initial assessments, or monitoring pursuant to subsection (12)(b).

(14) On or before July 1 of each year, the department shall report to the environmental quality council the amount of funds from the orphan share account used pursuant to subsection (12), the type of expenditures made, and the identity and location of facilities addressed. (Subsection (10)(c) terminates June 30, 2027--sec. 5, Ch. 387, L. 2015.)""

Renumber: subsequent sections

30. Page 8, line 15.
Strike: "[SECTION 3]"
Insert: "[Section 4]"

31. Page 8, line 16.
Strike: "health"
Insert: "laboratory"

32. Page 11, lines 13 through 16.
Strike: section 8 in its entirety
Insert: **"Section 15.** Section 3, Chapter 115, Laws of 2017, is amended to read:

"**Section 3. Recommendations to reduce expenditures.** (1) Except as provided in subsection (4), the budget director, taking into account the criteria provided in subsection (2), shall mandate reductions to agency expenditures of at least $10 million for the biennium ending June 30, 2017.

(2) Prior to mandating reductions, the budget director shall consider whether an agency program is mandatory or permissive and analyze the impact of the proposed reduction in spending on the purpose of the program. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(3) The budget director shall submit an itemized list of mandated reductions to the 65th legislature by March 22, 2017.

(4) The budget director may not mandate reductions in spending for the following:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education; ~~and~~

(e) salaries of elected officials during their terms of office;

(f) the department of justice;

(g) the secretary of state;

(h) the office of public instruction;

(i) the public service commission; and

(j) the state auditor's office.""

Insert: **"Section 16. Reductions to appropriations for fiscal year 2017**. The following

appropriations for fiscal year 2017, as enacted in House Bill No. 2 in Ch. 400, Laws of 2015, are reduced
as follows, is amended to read:

"**Department of Justice**

Agency Legal Services from $6,995,799 in general fund to $6,870,799.

Office of Public Instruction

School Facility Reimbursement from $8,586,000 in state special revenue to $0."

Insert: "NEW SECTION. **Section 17. Codification instruction.** (1) [Section 3] is intended to be codified as an integral part of Title 19, chapter 3, part 3, and the provisions of Title 19, chapter 3, part 3, apply to [section 3].

(2) [Section 4] is intended to be codified as an integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [section 4].

(3) [Section 5] is intended to be codified as an integral part of Title 22, chapter 1, part 2, and the provisions of Title 22, chapter 1, part 2, apply to [section 5].

(4) [Section 6] is intended to be codified as an integral part of Title 76, chapter 15, part 1, and the provisions of Title 76, chapter 15, part 1, apply to [section 6].

(5) [Section 7] is intended to be codified as an integral part of Title 90, chapter 9, part 1, and the provisions of Title 90, chapter 9, part 1, apply to [section 7]."

Insert: "COORDINATION SECTION. **Section 18. Coordination instruction.** If both [this act] and House Bill No. 2 are passed and approved and if House Bill No. 2 does not contain a restricted appropriation to the department of administration for the supplemental state contribution referenced in [section 3] in the amount of $1,649,000 in the fiscal year beginning July 1, 2017, and $1,657,000 in the fiscal year beginning July 1, 2018,
the amount of the contribution in [section 3(1)(a) of this act] is increased by $1,649,000 in the fiscal year beginning July 1, 2017, and by $1,657,000 in the fiscal year beginning July 1, 2018."

Insert: "NEW SECTION. **Section 19. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

33. Page 11, line 27.
Strike: "[Section 2]"
Insert: "[Sections 2, 10, and 15]"

34. Page 11, line 28.
Insert: "NEW SECTION. **Section 21. Termination.** [Section 10] terminates June 30, 2019."

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/11/2017
SR 39, be adopted.
SR 51, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 7, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, April 7, 2017, I signed the following bills:

SB 20 - N. Swandal
SB 81 - N. Swandal
SB 121 - E. Buttrey
SB 149 - D. Kary
SB 151 - D. Brown
SB 178 - N. Swandal
SB 219 - E. Buttrey

I have also vetoed **Senate Bill 32** - K. Regier.

Sincerely,

STEVE BULLOCK
Governor

April 10, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, April 10, 2017, I signed the following bills:

SB 58 - M. McNally

SB 65 - C. Wolken
SB 113 - F. Moore
SB 169 - B. Hoven

I am also returning the following Senate Bills with amendments:

SB 127 - M. Moe
SB 155 - M. Lang

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/11/2017

SB 227, introduced by J. Cohenour

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/11/2017

SB 29, introduced by D. Sands
SB 111, introduced by K. Regier
SB 241, introduced by E. Buttrey
SB 299, introduced by T. Richmond
SB 315, introduced by C. Vincent
SB 344, introduced by F. Moore

Senate bill returned to the Senate with adverse committee report: 4/11/2017

SB 354, introduced by M. Caferro

SPECIAL ORDERS OF THE DAY

The Senate enjoyed the "Stars and Stripes Forever," played by a quartet of pianists from the House of Representatives comprised of Representatives Wendy McKamey, Lola Sheldon-Galloway, and Tom Burnett, and House staff member Abigail Konen.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. President in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 155 - **Governor's Amendments** - Majority Leader Thomas moved consideration of **SB 155** be placed at the top of the second reading board. Without objection, so ordered.

SB 155 - **Governor's Amendments** - Senator Lang moved Governor's amendments to **SB 155** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Blasdel, Brown, Fielder, Hinebauch, Moore, Osmundson, Richmond.
Total 7

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Senator Lang assumed the chair.

SJ 25 - Senator R. Webb moved **SJ 25** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 41

Nays: Hinebauch, Howard, Keenan, Osmundson, Regier, Vance, Vincent, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: Swandal.
Total 1

Senator Swandal present at this time.

SJ 26 - Senator Fitzpatrick moved **SJ 26** do pass. Motion **failed** as follows:

Yeas: Ankney, Brown, Buttrey, Cohenour, Connell, Fitzpatrick, Gauthier, Jones, Moore, Phillips, Salomon, Sesso, Small, Thomas, Welborn, Whitford.
Total 16

Nays: Barrett, Blasdel, Boland, Caferro, Facey, Fielder, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Sands, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Webb, Wolken, Mr.President.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 59 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 60 - Senator Salomon moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 60**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 61 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 61**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 65 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 65**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 127 - **Governor's Amendments** - Senator Sesso moved Governor's amendments to **SB 127** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Brown, Fitzpatrick, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280 - Senator S. Sales moved consideration of **HB 280,** Conference Committee Report, be placed at the bottom of the second reading board. Without objection, so ordered.

HB 133 - Senator MacDonald moved **HB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken.
Total 37

Nays: Blasdel, Brown, Fitzpatrick, Hinebauch, Howard, Keenan, Olszewski, Regier, Smith C,

Smith F, Webb, Welborn, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 4/12/2017
SR 66, be adopted.
HB 653, be concurred in.
HB 660, be concurred in.

FINANCE AND CLAIMS (Jones, Chair): 4/12/2017
HB 473, be amended as follows:

1. Title, page 1, line 8.
Following: the first "PROJECTS"
Strike: ","
Insert: "AND"
Strike: ", AND HIGHWAY PATROL FUNCTIONS"

2. Title, page 1, line 12.
Following: "APPROPRIATION"
Insert: "AND AN APPROPRIATION"

3. Page 3, line 2.
Strike: "57%" through "greater,"

4. Page 3, line 4.
Following: "commission"
Insert: ":"
(i) $12.5 million for fiscal year 2018; and
(ii) 35% or $9.8 million, whichever is greater, for fiscal year 2019 and thereafter

5. Page 3, line 5 through line 6.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

6. Page 3, line 14 through line 15.
Strike: "By" on line 14 through "section." on line 15
Insert: "The department of transportation shall allocate funds provided for in [section 2(2)(b)] collected between January 1 and December 31 of the previous year."

7. Page 3, line 16.
Strike: "September"
Insert: "March"
Following: "2018"
Insert: ", and allocations must be made each March 1 thereafter"
Strike: "2(2)(c)"
Insert: "2(2)(b)"

8. Page 3, line 25.
Strike: "September 1"
Insert: "March 1 and November 1"

9. Page 3, line 26.
Strike: "and July 1 of the following year"

10. Page 4, line 27.
Strike: "September"
Insert: "March"

11. Page 4, line 30.
Strike: "2(2)(c)"
Insert: "2(2)(b)"

12. Page 5, line 5.
Strike: "July"
Insert: "November"

13. Page 5, line 7.
Strike: "July"
Insert: "November"

14. Page 5, line 9.
Strike: "2(2)(c)"
Insert: "2(2)(b)"

15. Page 5, line 20.
Strike: "2(2)(c)"
Insert: "2(2)(b)"

16. Page 5, line 22.
Strike: "March 31"
Insert: "June 30"

17. Page 6.
Following: line 13
Insert: "(5) By June 30, 2019, there must be a followup to the performance audit provided for in this section that includes a review of the progress of the department of transportation on recommendations resulting from the audit and information on:

(a) the number of full-time equivalent employees employed by the department of transportation;

(b) department costs per full-time equivalent employee;

(c) pay increases provided to employees in the previous year;

(d) department costs per road mile constructed; and

(e) the total cost of contracted labor.

(6) Following review by the legislative audit committee, the audit followup to the performance audit must be presented to the revenue and transportation interim committee provided for in 5-5-227."

18. Page 6, line 21.
Following: "highways;"
Insert: "and"

19. Page 6, line 22.
Strike: subsection (ii) in its entirety
Renumber: subsequent subsections

20. Page 6, line 25.
Strike: "(2)(b)(iii)"

Insert: "(2)(b)(ii)"

21. Page 10, line 9.
Strike: "35 cents"

22. Page 10, line 10.
Following: "distributor"
Insert: ":"
(i) 31.5 cents in fiscal years 2018 and 2019;
(ii) 32 cents in fiscal years 2020 and 2021;
(iii) 32.5 cents in fiscal year 2022; and
(iv) 33 cents in fiscal year 2023 and thereafter

23. Page 10, line 11.
Strike: "35 cents"

24. Page 10, line 12.
Following: "distributor"
Insert: ":"
(i) 29.25 cents in fiscal years 2018 and 2019;
(ii) 29.45 cents in fiscal years 2020 and 2021;
(iii) 29.55 cents in fiscal year 2022; and
(iv) 29.75 cents in fiscal year 2023 and thereafter

25. Page 10, line 21.
Strike: "the revenue from 8 cents of the"
Insert: "the remaining revenue from the gasoline"

26. Page 10, line 23.
Strike: "the revenue from 7 1/4 cents of the"
Insert: "the remaining revenue from the special fuel"

27. Page 17, line 1 through line 2.
Strike: "and the bridge" on line 1 through "[section 2]"

28. Page 22.
Following: line 5
Insert: "NEW SECTION. **Section 25. Appropriation.** There is appropriated to the department of transportation $12.5 million in fiscal year 2018 and $9.8 million in fiscal year 2019 from the state special revenue account provided for in [section 2]. The department shall fully expend all state special revenue appropriation authority provided in the 2019 biennium version of House Bill No. 2 for contractor payments within the Construction Program, including the state special revenue appropriation for Highway Construction Contractor Payments (Restricted), before using the appropriation provided for in this section."
Insert: "NEW SECTION. **Section 26. Implementation.** The department of transportation

shall implement the local match program provided for in [section 3] within existing resources."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 565, be amended as follows:

1. Title, page 1, line 5.
Following: "2019;"
Insert: "REVISING THE GROWTH RATE FOR THE REIMBURSEMENT FOR CLASS EIGHT TAX RATE REDUCTIONS AND EXEMPTIONS;"

2. Title, page 1, line 6.
Strike: "SECTION"
Insert: "SECTIONS"

3. Title, page 1, line 7.
Following: "15-1-121,"
Insert: "15-1-123, AND 20-9-630,"

4. Page 2, line 30.
Strike: "The"
Insert: "Except as provided in subsection (7)(b), the"

5. Page 3, line 7.
Strike: "subsection"
Insert: "subsections"
Following: "(4)(b)(iv)"
Insert: "and (7)(b)"

6. Page 4, line 18 through line 19.
Strike: "Except" on line 18 through "basis." on line 19

7. Page 5, line 21.
Following: "(7)"
Insert: "(a)"

8. Page 5, line 28.
Following: line 27
Insert: "(b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in 15-1-123(2). The department shall calculate the portion of the entitlement share pool attributable to the reimbursement in 15-1-123(2), including the application of the growth rate in previous fiscal years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth

rate for that portion of the entitlement share pool as provided in 15-1-123(2).

(c) The growth amount resulting from the application of the growth rate in 15-1-123(2) must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section."

9. Page 6, line 2.
Strike: "Except" through "one-half"
Insert: "One-half"

10. Page 6, line 5 through line 6.
Strike: line 5 through line 6 in their entirety

11. Page 6, line 13.
Strike: line 13 in its entirety

12. Page 6, line 26 through line 29.
Strike: subsection (b) in its entirety
Insert: "(b) A payment required pursuant to this section must be withheld if a local government:

(i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and

(ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or any other amounts owed to the state or another taxing jurisdiction, as otherwise required by law, within 45 days of the end of a month.

(c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(i) file a financial report required by 15-1-504;

(ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

(iii) remit any other amounts owed to the state or another taxing jurisdiction."

13. Page 7, line 1.
Insert: "Section 2. Section 15-1-123, MCA, is amended to read:

"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations. (1) For the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall ~~for the fiscal years ending June 30, 2014, and June 30, 2015, estimate for~~ reimburse each local government, as defined in 15-1-121(5), each school district, the county retirement fund under 20-9-501, the countywide school transportation reimbursement under 20-10-146, each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-108 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138

had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference is the annual reimbursable amount for each local government, each school district, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-108.

(2) ~~(a)~~ The department shall distribute the reimbursements calculated in subsection (1) to local governments with the entitlement share payments under 15-1-121(7) ~~for the fiscal year ending June 30, 2015. Local government reimbursements for subsequent years are made pursuant to the entitlement share recomputation as provided in 15-1-121(6)~~. For fiscal year 2018 and thereafter, the growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each local government. By June 15, 2014, the department shall distribute the amount determined under this subsection (2)(b) for local governments as provided in 15-1-121(6)(a).~~

(3) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to school districts with the block grants pursuant to 20-9-630 ~~for the fiscal year ending June 30, 2015~~. School district reimbursements for subsequent fiscal years are made pursuant to 20-9-630.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each school district. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (3)(b) in the same manner as the block grant is distributed by fund under 20-9-630.~~

(4) ~~(a) For the fiscal year ending June 30, 2015, the~~ The amount determined under subsection (1) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each tax increment financing district. By June 15, 2014, the department shall distribute the amount determined under this subsection (4)(b) to each tax increment financing district as provided in 15-1-121(8) and to any other tax increment financing district that is entitled to a reimbursement under this section.~~

(5) (a) ~~For the fiscal year ending June 30, 2015, the~~ The amount determined under subsection (1) for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-108.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for the 6-mill university levy. By June 15, 2014, the department of administration shall transfer the amount determined under this subsection (5)(b) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.~~

~~(c)~~(b) ~~Beginning in fiscal year 2013, the~~ The department of administration shall transfer

the ~~amounts~~ amount determined under this subsection (5) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.

(6) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to the countywide retirement fund under 20-9-501 ~~for the fiscal year ending June 30, 2015~~. One-half of the amount must be distributed in November and the remainder in May.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (6)(b) to the countywide retirement fund.~~

(7) ~~(a)~~ The office of public instruction shall distribute the reimbursements calculated in subsection (1) to the county transportation fund reimbursement under 20-10-146 ~~for the fiscal year ending June 30, 2015~~. The reimbursement must be made at the same time as countywide school transportation block grants are distributed under 20-9-632.

~~(b) For the fiscal year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30, 2014, the office of public instruction shall distribute the amount determined under this subsection (7)(b) to the county transportation reimbursement.~~""

Insert: "Section 3. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on:

(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate income taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and

(ii) any reimbursement to be made to a school district pursuant to subsection (2).

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(2) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. ~~Except for the reimbursement made under 15-1-123(3)(b), the~~ The total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is equal to the amount received in fiscal year 2011 by the district general fund from the block grants provided for in subsection (1) and the amount received by the district general fund under subsection (2)~~, except the amount~~

~~received under 15-1-123(3)(b)~~.

(b) The block grant for the district transportation fund is equal to the amount received in fiscal year 2011 by the district transportation fund from the block grants provided for in subsection (1) and the amount received by the district transportation fund under subsection (2)~~, except the amount received under 15-1-123(3)(b)~~.

(c) (i) The combined fund block grant is equal to the amount received in fiscal year 2011 and the amount received under subsection (2)~~, except the amount received under 15-1-123(3)(b)~~.

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district.""

Renumber: subsequent sections

And, as amended, be concurred in.

HB 639, be amended as follows:

1. Title, page 1, line 6.
Following: "ACT;"
Insert: "PROVIDING MEDICAID CASELOAD RESTRICTIONS; PROVIDING LIMITATIONS ON TRANSFERS OF FUNDING FOR THE MONTANA DEVELOPMENTAL CENTER; PROVIDING FOR A STATUTORY APPROPRIATION;"

2. Title, page 1, line 6.
Strike: "SECTION"
Insert: "SECTIONS 17-7-502 AND"

3. Page 1, line 10.
Insert: "NEW SECTION. **Section 1. Medicaid caseload contingent funding -- restrictions.** (1) The appropriations to the department of public health and human services in House Bill No. 2, under "Medicaid Caseload Contingency" only occur:

(a) for fiscal year 2018, if nonrestricted general fund expenditures for the department, including accruals, exceed $501,016,552 during the fiscal year; and

(b) for fiscal year 2019, if nonrestricted general fund expenditures for the department, including accruals, exceed $514,663,100 during the fiscal year.

(2) The House Bill No. 2 appropriation amounts provided for in subsections (1)(a) and (1)(b) are based on the amount of nonrestricted general fund appropriations for fiscal years 2018 and 2019. The amounts of $501,016,552 for fiscal year 2018 and $514,663,100 for fiscal year 2019 are superseded by the total of nonrestricted general fund appropriations for each separate fiscal year, as reflected in House Bill No. 2 as passed and approved."

"NEW SECTION. **Section 2. Montana developmental center -- requirements.** The appropriation to the department of public health and human services in House Bill No. 2, under "Montana Developmental Center" is restricted to the following:

(a) expenditures at the Montana developmental center; or

(b) transfers pursuant to subsection (2).

(2) The department may transfer from "Montana Developmental Center" for other

necessary services for individuals served or who would have otherwise been served at the Montana Developmental Center.

(3) If the department transfers funding or full-time equivalents from the appropriation under "Montana Developmental Center", the department must notify the legislative finance committee and the legislative fiscal analyst.

(4) Any information that is confidential or personally identifiable provided pursuant to this section may only be communicated to the legislative fiscal analyst, who will not release the information pursuant to 5-12-303.

Insert: "NEW SECTION. **Section 3. Indian health services federal revenue account.** (1) There is an account in the federal special revenue fund established pursuant to 17-2-102 to be known as the Indian health service federal revenue account.

(2) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of public health and human services for medicaid benefits for Indian health services or tribal health services."

Insert: "Section 4. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; [section 3]; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L.

1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)""
Renumber: subsequent sections

4. Page 1, line 15.
Following: "(2)"
Insert: "(a)"

5. Page 1, line 18.
Strike: "The"
Insert: "For fiscal years 2018 and 2019, the"

6. Page 1, line 19.
Following: "increased"
Insert: ", at a minimum,"

7. Page 1, line 21.
Following: "20-9-326."
Insert: "(b) For each subsequent fiscal year, the conversion factor must be increased, at a minimum, by the same percentage increase as the consumer price index for medical care for the previous year, as calculated by the bureau of labor statistics of the United States department of labor."

8. Page 1, line 22.
Insert: "NEW SECTION. **Section 6. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply

to [section 3]."
Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If House Bill No. 2 and [this act] are both passed and approved and [this act] contains a statutory appropriation for Indian health services and tribal health services funding, the appropriation for the health resources division in House Bill No. 2 is decreased by $82,373,231 in federal funds in fiscal year 2018 and by $94,556,232 in federal funds in fiscal year 2019."
Renumber: subsequent sections

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 4/11/2017
HB 623, be concurred in.

TAXATION (Blasdel, Chair): 4/12/2017
HB 391, be amended as follows:

1. Title, page 1, line 10.
Following: "CREDIT;"
Insert: "PROVIDING THAT THE CREDIT MAY NOT BE CLAIMED FOR CERTAIN INCOME;"

2. Page 1, line 15.
Strike: "A"
Insert: "Except as provided in subsection (3), a"

3. Page 1, line 21.
Following: "(3)"
Insert: "(a)"

4. Page 1, line 25.
Following: line 24
Insert: "(b) The credit is not allowed on earned income that is treated as a dividend received by a member of an agricultural organization provided for in section 501(d) of the Internal Revenue Code, 26 U.S.C. 501(d). For the purpose of this subsection (3)(b), the amount of the state tax credit provided for in subsection (2) is reduced by the reduction percentage."

5. Page 1, line 28.
Insert: "(5) For the purpose of this section, the following definitions apply:
(a) "Earned income" means earned income, as defined in section 32 of the Internal Revenue Code, 26 U.S.C. 32, that was used to determine the amount of the federal earned income tax credit under subsection (2).
(b) "Reduction percentage" means a percentage that is calculated by dividing the earned income that is disallowed under subsection (3)(b) by the total amount of earned income.

6. Page 2, line 2.

Insert: "NEW SECTION. **Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent section

And, as amended, be concurred in.

Without objection, committee reports were adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Without objection, so ordered. Senate recessed at 11:30 a.m.

Senate reconvened at 12:58 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/12/2017
HB 5, be amended as follows:

1. Title, page 1, line 7.
Following: "APPROPRIATIONS;"
Insert: "AMENDING SECTION 5, CHAPTER 324, LAWS OF 2011;"

2. Page 2.
Following: line 20
Insert: "Southwestern Montana Veterans' Home 9,831,250 [Authority Only] 9,831,250 [Total]"

3. Page 3.
Following: line 9
Insert: "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"
Forestry Division Mechanic Shop, Missoula
300,000 [State Special Revenue] 300,000 [Total]

4. Page 4, line 9.
Following: line 8
Insert: "Parks Program Maintenance
2,000,000 [State Special Revenue] 2,000,000 [Total]

The department will prioritize projects that address sanitization and safety concerns at state parks with this appropriation."

5. Page 8.
Following: line 2
Insert: **"Section 9.** Section 5, Chapter 324, Laws of 2011, is amended to read:

"Section 5. Capital project appropriations. (1) There is appropriated ~~$4,812,500~~ up to $5,293,750 from state special revenue account established in section 2, Chapter 461, Laws of 2009, to the department of administration for the southwestern Montana veterans' home project.

(2) There is appropriated ~~$8,937,500~~ $9,831,250 from the federal special revenue fund to the department of administration for the southwestern Montana veterans' home project.

(3) In the event of a private donation of the amount in subsection (2) and subsequent receipt of federal funds, the federal funds must be deposited in the general fund.

~~(3)~~(4) The department of administration is authorized to transfer the appropriations in subsections (1) and (2) among the necessary fund types for this project.""
Renumber: subsequent sections

6. Page 8, line 6.
Strike: "of at least $8.1 million"
Following: "ADMINISTRATION"
Insert: "for the Montana law enforcement academy project"

And, as amended, be concurred in.

HB 650, be amended as follows:

1. Title, page 1, line 12.
Strike: "PROVIDING FOR STATUTORY APPROPRIATIONS;
Insert: "REQUIRING THE JUDICIAL BRANCH AND THE OFFICE OF STATE PUBLIC DEFENDER TO DEVELOP PROTOCOLS FOR THE APPOINTMENT OF COUNSEL IN TREATMENT COURTS; TRANSFERRING THE BOARD OF CRIME CONTROL AND ITS FUNCTIONS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF CORRECTIONS; REDUCING THE SIZE OF THE BOARD AND ELIMINATING THE EXECUTIVE DIRECTOR POSITION OF THE BOARD OF CRIME CONTROL;"
Following: "SECTIONS"
Insert: "2-15-2006,"
Strike: "17-7-502,"
Insert: "3-1-318, 15-70-403, 44-1-501, 44-4-313,"

2. Title, page 1, line 13.
Following: "53-30-507,"
Insert: "60-3-201,"
Following: "61-3-224,"
Insert: "61-3-321,"

3. Page 1, line 14.
Strike: "AND A TERMINATION DATE"

4. Page 1, line 20.
Strike: "$1,500,000"
Insert: "$2,970,000"

5. Page 1, line 22.
Strike: "$8,100,000"
Insert: "$6,630,000"

6. Page 2, line 4.
Strike: "7.5%"
Insert: "9.6%"

7. Page 2, line 6.
Strike: "5.5%"
Insert: "3%"

8. Page 2, line 8 through line 9.
Strike: subsection (2) in its entirety
Insert: "(2) a 6.6% administrative fee to be deposited in the transportation department's account in the state special revenue fund."

9. Page 2, line 16 through line 17.
Strike: subsection (3) in its entirety
Insert: "(3) Fees collected pursuant to 61-3-321(2) and (7) are deposited in this account."

10. Page 2, line 22 through line 25.
Strike: subsection (2) through subsection (3) in their entirety
Insert: "(2) Funds directed to the account by 15-70-403(8) and 60-3-201(1)(e) must be deposited in the account."

11. Page 2, line 27 through page 4, line 11.
Strike: section 6 in its entirety
Insert: "NEW SECTION. **Section 6. Court-appointed special advocate account.** (1) There is a court-appointed special advocate account in the state special revenue fund. There must be paid into this account the fees collected pursuant to 3-1-318. The money in the account must be used solely for the purpose of providing funding for court-appointed special advocates.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. The supreme court administrator may designate nonprofit organizations that ordinarily provide special advocate services to receive or administer the distribution of the fund."

Insert: "Section 7. Section 2-15-2006, MCA, is amended to read:

"2-15-2006. Board of crime control -- composition -- allocation. (1) There is a board of crime control.

(2) The board is allocated to the department of corrections for administrative purposes only as prescribed in 2-15-121, except that the provisions of 2-15-121(2)(a) and (2)(c) do not apply. ~~However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.~~ The board may:

(a) direct and supervise the budgeting, recordkeeping, reporting, and related administrative and clerical functions of the board; and

(b) collect all revenue for the board and deposit it in the proper fund or account. The board may not use or divert the revenue from the fund or account for purposes other than provided by law.

(3) The board is composed of ~~18~~ 15 members appointed by the governor in accordance with 2-15-124 and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The board shall be representative of state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens and professional and community organizations, including organizations directly related to delinquency prevention.""

Insert: "Section 8. Section 3-1-318, MCA, is amended to read:

"3-1-318. Surcharges upon certain criminal convictions -- exception. (1) Except as provided in subsection (2), all courts of limited jurisdiction, except small claims courts, shall impose a $10 surcharge on a defendant who is convicted of criminal conduct under state statute or who forfeits bond.

(2) A court may not waive payment of the surcharge unless the court determines that the defendant is unable to pay the surcharge. Inability to pay must be supported by a sworn statement from the defendant demonstrating financial inability to pay without substantial hardship in providing for personal or family necessities. The statement is not admissible in the proceeding unless offered for impeachment purposes and is not admissible in a subsequent prosecution for perjury or false swearing.

(3) The surcharge imposed by this section is not a fee or a fine and must be imposed in addition to other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of any court.

(4) The amounts collected under this section must be ~~forwarded to the department of revenue for deposit in the account created in 44-10-204~~ deposited in the court-appointed special advocate account established in [section 6]."

Insert: "Section 9. Section 15-70-403, MCA, is amended to read:

"15-70-403. Gasoline and special fuel tax -- incidence -- rates. (1) The incidence of the fuel tax is on the distributor for the privilege of engaging in and carrying on business in this state. Each distributor shall pay to the department of transportation a tax in an amount equal to:

(a) 27 cents for each gallon of gasoline distributed by the distributor within the state and upon which the gasoline tax has not been paid by any other distributor;

(b) 27 3/4 cents for each gallon of special fuel distributed by the distributor within the state and on which the special fuel tax has not been paid by any other distributor; and

(c) 4 cents for each gallon of aviation fuel, other than fuel sold to the federal defense fuel supply center, which is allocated to the department as provided by 67-1-301.

(2) Gasoline or special fuel may not be included in the measure of the distributor's tax if it is sold for export unless the distributor is not licensed and is not paying the tax to the state where the fuel is destined.

(3) Special fuel may not be included in the measure of the distributor's tax if it is dyed by injector at a refinery or terminal for off-highway use.

(4) When no Montana fuel tax has been paid by a distributor or any other person, the department shall collect or cause to be collected from the owners or operators of motor vehicles operating on the public roads and highways of this state a tax equal to the tax rate provided for in subsection (1)(a) for gasoline and subsection (1)(b) for dyed or undyed special fuel. The tax must be paid for each gallon of gasoline or special fuel as defined in this part, or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used to produce motor power to operate motor vehicles on the public roads and highways of this state.

(5) The tax may not be imposed on dyed special fuel delivered into the fuel supply tank of a vehicle that is equipped with a feed delivery box if:

(a) the feed delivery box is permanently affixed to the vehicle;

(b) the vehicle is used exclusively for the feeding of livestock; and

(c) the gross vehicle weight of the vehicle, exclusive of any towed units, is greater than 12,000 pounds.

(6) All special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, and used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of a highway or street and its appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions, must be undyed fuel on which Montana fuel tax has been paid.

(7) Material used for construction, reconstruction, or improvement in connection with work performed under a contract as provided in subsection (6) must be produced using fuel on which Montana fuel tax has been paid.

(8) Of the special fuel tax collected pursuant to subsection (1)(b), 4 cents must be deposited to the highway patrol administration state special revenue account established in [section 5] and the remainder must be deposited to the credit of the department of transportation for the purposes defined in 60-3-201(1)(f).""

Insert: "Section 10. Section 44-1-501, MCA, is amended to read:

"44-1-501. Payment of expenses. ~~All~~ A portion of expenses of the highway patrol ~~shall~~ must be paid out of the ~~transportation department's account in the state special revenue fund~~ highway patrol administration account established in [section 5].""

Insert: "Section 11. Section 44-4-313, MCA, is amended to read:

"44-4-313. Restriction on use of funds. Funds deposited in the domestic violence intervention account may be used only for the program authorized in 44-4-311 and the costs authorized under 44-4-312 and may not be used to pay the expenses of any other program or service administered in whole or in part by the Montana board of crime control or the department of ~~justice~~ corrections.""

Renumber: subsequent sections

12. Page 9, line 22.
Strike: "November 15, 2016"
Insert: "December 6, 2016"

13. Page 9.
Following: line 22
Insert: "Section 16. Section 60-3-201, MCA, is amended to read:

"60-3-201. Distribution and use of proceeds of gasoline tax. (1) All money received in payment of the gasoline tax under 15-70-403, except those amounts paid out of the department's suspense account for gasoline tax refund, must be used and expended as provided in this section. The portion of that money on hand at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate and maintain a reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102. After deductions for amounts paid out of the suspense account for gasoline tax refunds, the remainder is allocated as follows:

(a) 9/10 of 1% to the state park account;

(b) 15/28 of 1% to a snowmobile account in the state special revenue fund;

(c) 1/8 of 1% to an off-highway vehicle account in the state special revenue fund;

(d) 1/25 of 1% to the aeronautics revenue fund of the department under the provisions of 67-1-301; ~~and~~

(e) 4 cents to the highway patrol administration state special revenue account established in [section 5]; and

~~(e)~~(f) the remaining amount:

(i) for use by the department on the highways in this state selected and designated by the commission;

(ii) for collection of the fuel taxes; and

(iii) for ~~the enforcement of the Montana highway code~~ other authorized uses under Article VIII, section 6, of the constitution of this state except for the Montana highway patrol, and beginning July 1, 2018, for the department of justice motor vehicle division.

(2) The department shall, in expending this money, carry forward construction from year to year, using the money expended in accordance with this title. Nothing in this title conflicts with Title 23 of the United States Code and the rules by which it is administered.

(3) The department may enter into cooperative agreements with the national park service and the federal highway administration for the purpose of maintaining national park approach roads in Montana.

(4) Money credited to the state park account in the state special revenue fund may be used only for the creation, improvement, and maintenance of state parks where motorboating is allowed. The legislature finds that of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

(5) (a) Money credited to the snowmobile account may be used only to develop and maintain facilities open to the general public at no admission cost, to promote snowmobile

safety, for enforcement purposes, and for the control of noxious weeds.

(b) Of the amounts deposited in the snowmobile account:

(i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third of the 13% deposited must be used for the enforcement of snowmobile laws.

(ii) 1% of the amount deposited must be credited to the noxious weed management special revenue fund provided for in 80-7-816.

(c) The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling registered snowmobiles in this state.

(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.

(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/25 of 1% is used for propelling aircraft in this state.""

14. Page 12.
Following: line 9
Insert: "Section 19. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) ~~Unless~~ (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

~~(a)~~(i) if the vehicle is 4 or less years old, $217;

~~(b)~~(ii) if the vehicle is 5 through 10 years old, $87; and

~~(c)~~(iii) if the vehicle is 11 or more years old, $28.

(b) For a light vehicle with a manufacturer's suggested retail price of more than $150,000, the annual registration fee is:

(i) for a vehicle less than 1 year old, 1% of the manufacturer's suggested retail price, plus $217;

(ii) for a vehicle between 1 and 2 years old, 0.9% of the manufacturer's suggested retail

price, plus $217;

(iii) for a vehicle between 2 and 3 years old, 0.8% of the manufacturer's suggested retail price, plus $217; and

(iv) for a vehicle older than 3 years, the same fee as provided in subsection (2)(a).

(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, $61.25; or

(b) if the declared weight is 6,000 pounds or more, $148.25.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, $10; and

(b) under 2,850 pounds, $5.

(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is $61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is $22.75.

(7) (a) ~~The~~ Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.50;

(ii) unless a new set of license plates is being issued, an insurance verification fee of $5, which must be deposited in the account established under 61-6-158;

(iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

(iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(c) For a motor home with a manufacturer's suggested retail price of more than $150,000, the annual registration fee is:

(i) for a motor home less than 1 year old, 1% of the manufacturer's suggested retail price, plus $282.50;

(ii) for a motor home between 1 and 2 years old, 0.9% of the manufacturer's suggested retail price, plus $282.50;

(iii) for a motor home between 2 and 3 years old, 0.8% of the manufacturer's suggested retail price, plus $282.50; and

(iv) for a motor home older than 3 years, the same fee as provided in subsection (7)(a).

(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is $53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50.

(b) An additional fee of $16 must be collected for the registration of each motorcycle or

quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, $72; and

(b) 16 feet in length or longer, $152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is $60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of $40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of $20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is $25.

(b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is $25.

(c) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to 61-8-391 is $25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of $10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The $10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of $15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that $2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k),

(1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of $6 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the $6 fee, the department of fish, wildlife, and parks shall use $5.37 for state parks, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional $6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of $5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.

<u>(22) The amount collected based on manufacturer's suggested retail price in subsections (2) and (7) must be deposited in the account established in [section 4] up to the amount appropriated in the general appropriations act and is exempt from the provisions of 15-1-122. Any remaining amount collected must be deposited in the general fund.</u>""

Renumber: subsequent sections

15. Page 12.

Following: line 21
Insert: "NEW SECTION. **Section 21. Appointment protocols -- transfer of spending authorization.** (1) The office of court administrator and the office of state public defender shall work together to develop mutually agreeable protocols for when a public defender is appointed and participates in treatment courts operated by the judicial branch. The protocols must be developed and agreed to by both offices by December 31, 2017.

(2) It is the intent of the legislature that if House Bill No. 77 is passed and approved and provides for an executive director, the office of state public defender shall pay the executive director's salary and benefits for the biennium beginning July 1, 2017."
Insert: "NEW SECTION. **Section 22. Transition -- implementation procedure.** (1) Except as provided in subsections (2) and (3), the provisions of 2-15-131 through 2-15-137 govern the transfer of the board of crime control and the board's functions from the department of justice to the department of corrections.

(2) The department of corrections shall provide staff and support services to the board of crime control. The legislature intends that the board of crime control shall operate within a level of funding that is reduced by the amount of salary and benefits that was paid to the former executive director and that the position of executive director be eliminated. The board of crime control may eliminate other positions as the board determines to be necessary, subject to the provisions of 2-15-131.

(3) The department of corrections and the board of crime control shall continue to be colocated in office space leased by the department."
Renumber: subsequent sections

16. Page 12, line 29.
Following: "instruction"
Insert: "-- directions to code commissioner"

17. Page 13, line 5.
Following: line 4
Insert: "(4)(a)(i)Section 2-15-2006 is intended to be renumbered and codified as an integral part of Title 2, chapter 15, part 23.

(ii) The code commissioner is instructed to renumber sections in Title 44, chapter 4, part 3, into a new chapter in Title 44.

(b) The code commissioner is instructed to change internal references within and to the renumbered sections enacted or amended by the 65th legislature, to reflect the new section numbers assigned to sections pursuant to this section.

(c) Any enactment, including an enactment of the 65th legislature, that requires that a section be codified in Title 44, chapter 4, part 3, and that is recodified pursuant to this section is intended to be codified as an integral part of the recodified part, and the provisions of the newly recodified part apply to the recodified section."

18. Page 13, line 6.
Following: "**instruction.**"
Insert: "(1)"

19. Page 13, line 7.
Strike: "of $8.1 million"

20. Page 13.
Following: line 9
Insert: "(2)If both House Bill No. 473 and [this act] are passed and approved, then [section 3 of this act] is replaced with the following language:

"**Section 3. Motor vehicle division administrative fees.** The motor vehicle division of the department shall charge, impose, and collect a 3% administrative fee on all fees charged under 23-2-809, 23-2-617, and this title to be deposited into the motor vehicle division administration account established in [section 4 of this act]""
Insert: "NEW SECTION. **Section 26. Saving clause.** [Sections 7, 11, and 22] do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Insert: "NEW SECTION. **Section 27. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

21. Page 13, line 13.
Strike: ", 4, and 5"
Insert: "and 19"

22. Page 13, line 15.
Strike: section 18 in its entirety

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 4/11/2017
HB 434, be amended as follows:

1. Title, line 7.
Following: "IMPROVEMENT"
Insert: "AND PUBLIC ACCESS"

2. Title, line 8.
Strike: "AND"
Insert: ","

3. Title, line 9.
Following: "HABITAT"
Insert: ", AND IMPROVE PUBLIC ACCESS"
Following: "IMPROVEMENT"
Insert: "AND PUBLIC ACCESS"

4. Page 1, line 16.
Following: "habitat"
Insert: "and improve public access"

5. Page 1, line 23.
Strike: "8"
Insert: "9"

6. Page 1, line 24.
Following: "Improvement"
Insert: "and Public Access"

7. Page 1, line 26.
Strike: "8"
Insert: "9"

8. Page 1, line 28.
Following: "improvement"
Insert: "and public access"

9. Page 2, line 7.
Following: "**improvement**"
Insert: "and public access"

10. Page 2, line 8.
Following: "improvement"
Insert: "and public access"

11. Page 2, line 9.
Strike: "8"
Insert: "9"

12. Page 2, line 12.
Strike: line 12 in its entirety
Insert: "(b) a representative of a hunting organization;
(c) a representative of a multiple-use recreation organization;
(d) a representative of the timber industry;"
Renumber: subsequent subsections

13. Page 2, line 30.
Following: "**improvement**"
Insert: "and public access"

14. Page 3, line 9.
Following: "improvement"

Insert: "public access"

15. Page 3, line 10.
Strike: "8"
Insert: "9"

16. Page 3, line 25.
Strike: "8"
Insert: "9"

17. Page 3, line 26.
Strike: "8"
Insert: "9"

18. Page 4, line 3.
Following: "IMPROVEMENT"
Insert: "and public access"

19. Page 4, line 26.
Strike: "8"
Insert: "9"

20. Page 5, line 13.
Strike: "and"

21. Page 5, line 14.
Following: "funding"
Insert: "; and
(v) a description of public access projects and weed coordination activities undertaken pursuant to [section 8]"

22. Page 5, line 15.
Following: line 14
Insert: "NEW SECTION. **Section 8. Public lands access advocate and noxious weed coordinator.** (1) (a) There is a public lands access advocate and noxious weed coordinator who is appointed and directed by the board of land commissioners.
(b) The public lands access advocate and noxious weed coordinator is an employee of the department for administrative purposes only.
(c) The secretary of state shall provide office space for the public lands access advocate and noxious weed coordinator.
(d) Costs associated with the public lands access advocate and noxious weed coordinator may be considered administrative costs paid from funds deposited pursuant to [section 5].
(2) (a) The public lands access advocate and noxious weed coordinator is dedicated to increasing public access opportunities on and to public lands, as defined in 15-30-2380, and to

surface waters within the state that are capable of recreational use.

(b) The public lands access advocate and noxious weed coordinator shall coordinate noxious weed efforts undertaken on public lands pursuant to [sections 1 through 9].

(3) The public lands access advocate and noxious weed coordinator shall:

(a) promote effective engagement in and use of existing public land access programs and opportunities;

(b) research and identify additional opportunities to increase public access on and to public lands and to surface waters within the state that are capable of recreational use;

(c) propose access projects to the board of land commissioners for consideration, with an emphasis on projects that utilize land exchanges, procurement of access easements, and consolidation of checkerboarded lands, and that protect and enhance wildlife habitat. Approval of the board is required for access projects proposed pursuant to this section.

(d) work with the department and report to the board of land commissioners on all noxious weed projects undertaken pursuant to [sections 1 through 9]."

Renumber: subsequent sections

23. Page 5, line 19.
Strike: "8"
Insert: "9"

24. Page 5, line 20.
Strike: "8"
Insert: "9"

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 4/12/2017
SR 45, be adopted.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/11/2017
HB 562, be amended as follows:

1. Page 1, line 27.
Following: "$100"
Insert: ", community service hours, or both"

2. Page 2, line 20.
Following: "$100"
Insert: ", community service hours, or both"

3. Page 4, line 10.
Following: "$100"
Insert: ", community service hours, or both"

And, as amended, be concurred in.

TAXATION (Blasdel, Chair): 4/12/2017
HB 308, be amended as follows:

1. Page 1, line 15.
Strike: "IN A NEW OR EXPANDED"
Insert: "as a new employee in a"

2. Page 1, line 16 through line 18.
Strike: "A NEW" on page 1, line 16 through "." on line 18

3. Page 1, line 20 through line 22.
Strike: "FOR TAX YEARS" on page 1, line 20 through "(I)" on line 22
Insert: "except as provided in subsection (2)(b),"

4. Page 1, line 22.
Strike: "$1,000"
Insert: "$750"

5. Page 1, line 23.
Strike: "(II)" on line 23
Insert: "(b)"
Strike: "$2,000"
Insert: "$1,500"

6. Page 1, line 29 through page 2, line 1.
Strike: "The aggregate" on page 1, line 29 through "reached." on page 2, line 1

7. Page 2, line 3.
Strike: "PROGRAM IS A NEW OR EXPANDED"
Insert: "employee is a new employee in an"

8. Page 2, line 15.
Following: "section,"
Insert: "the following definitions apply:
(a) "New employee" means an individual who was not employed as an apprentice or veteran apprentice before [the effective date of this act].
(b)
Strike: ""veteran""
Insert: ""Veteran""

9. Page 7, line 26.
Following: "20-9-905"
Strike: "."
Insert: ";"

And, as amended, be concurred in.

Without objection, committee reports were adopted

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 387 - Senator Thomas moved **HB 387** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Hinebauch.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 572 - Senator Gross moved **HB 572** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 33

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hoven, Jones, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Mr.President.
Total 17

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 585 - Senator Ankney moved **HB 585** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford.
Total 35

Nays: Barrett, Boland, Brown, Cohenour, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F, Wolken, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 595 - Senator Fielder moved **HB 595** be concurred in. Bill requires a 2/3 vote of the Entire Legislature to pass. The vote failed to reach the required total but will continue to Third Reading with the mathematical possibility of reaching the 2/3 requirement. Second reading vote as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 599 - Senator Kary moved **HB 599** be concurred in. Bill requires a 2/3 vote of the Entire Legislature to pass. The vote failed to reach the required total but will continue to Third Reading with the mathematical possibility of reaching the 2/3 requirement. Second reading vote as follows:

Yeas: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 30

Nays: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 600 - Senator Swandal moved **HB 600** be concurred in.

HB 600 - Senator Swandal moved **HB 600**, second reading copy, be amended as follows:

1. Page 1, line 16.
Following: "known to be"
Strike: "a"
Insert: "the primary"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 600 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Blasdel, Brown, Hinebauch, Kary, Regier.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145 - **Free Conference Committee Report No. 1** - Senator Buttrey moved the Free Conference Committee report to **HB 145** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 142 - Senator Gross moved **HB 142** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.

Total 26

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280 - **Conference Committee Report No. 1** - Senator S. Sales moved the Conference Committee report to **HB 280** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 36

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Sesso, Smith F, Vuckovich, Whitford.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 39 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 39**. Resolution was adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved that **HB 614** be moved to the top of the agenda, and that **SR 45** be taken from the second reading board and placed on second reading. Without objection, so ordered.

Senator Vincent assumed the chair.

HB 614 - Senator Lang moved **HB 614** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vincent, Welborn, Whitford, Wolken, Mr.President.
Total 32

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Hinkle, MacDonald, Malek, McClafferty, McNally, Osmundson, Pomnichowski, Sands, Tempel, Vance, Vuckovich, Webb.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Lang assumed the chair.

SR 45 - Senator Fielder moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 45**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Fielder, Howard, Vance.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 51 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 51**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 58 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 58**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 63 - Senator Hoven moved that the nominations transmitted by the Governor be concurred

in and confirmed by the Senate in accordance with **SR 63**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 29 - **House Amendments** - Senator Sands moved House amendments to **SB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - **House Amendments** - Senator K. Regier moved House amendments to **SB 111** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Blasdel, Boland, Cohenour, Facey, Gauthier, Gross, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Sands, Smith F, Vance, Vuckovich, Welborn.
Total 24

Nays: Ankney, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Jones, Malek, McClafferty, Pomnichowski, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vincent, Webb, Whitford, Wolken, Mr.President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 - **House Amendments** - Senator Buttrey moved House amendments to **SB 241** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Malek, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299 - **House Amendments** - Senator Richmond moved House amendments to **SB 299** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Boland, Cohenour, Gross, MacDonald, Malek, Pomnichowski, Sesso, Smith F, Vuckovich, Whitford.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 315 - **House Amendments** - Senator Vincent moved House amendments to **SB 315** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 344 - **House Amendments** - Senator Moore moved House amendments to **SB 344** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Fielder, Kary, Smith C.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 618 - Senator Keenan moved **HB 618** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Small, Smith F, Tempel, Thomas, Webb, Welborn, Whitford.
Total 34

Nays: Blasdel, Brown, Caferro, Fitzpatrick, Hinebauch, Hinkle, Howard, Salomon, Sesso, Smith C, Swandal, Vance, Vincent, Vuckovich, Wolken, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 - Senator Richmond moved **HB 633** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Wolken.
Total 36

Nays: Brown, Fielder, Fitzpatrick, Gross, Hinkle, Keenan, MacDonald, Moore, Salomon, Sesso, Smith C, Vance, Whitford, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - **House Amendments** - Senator K. Regier moved House amendments to **SB 111** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 28 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SJ 29 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 42, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Howard, Vance.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 92, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 35

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F.
Total 15

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 6 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 7 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 9 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally,

Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Fielder, Hinebauch, Hinkle, Hoven, Kary, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 11 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 344 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 390 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 550 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 622 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 631 failed as follows:

Yeas: Ankney, Buttrey, Caferro, Connell, Facey, Gauthier, Gross, Hinkle, Keenan, Lang, MacDonald, Moore, Osmundson, Phillips, Salomon, Sands, Sesso, Small, Tempel, Welborn, Whitford, Wolken.
Total 22

Nays: Barrett, Blasdel, Boland, Brown, Cohenour, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Jones, Kary, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Regier, Richmond, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 652 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 148, **as amended by the Governor**, concurred in as follows:

Yeas: Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 46

Nays: Ankney, Connell, Fitzpatrick, Welborn.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate **suspend rule S50-190** through legislative day seventy-eight to allow bills heard on second reading to be placed on third reading the same legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator McNally moved the Senate reconsider its action of the previous day on **HB 442** and that **HB 442** be placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 26

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Swandal moved that **HB 46** be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 30

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Thomas, Vance, Vincent, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator McClafferty moved that **HB 514** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Small, Smith F, Swandal, Whitford, Wolken.
Total 20

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Sesso, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 4:00 p.m. Without objection, so ordered.

Senate recessed at 3:07 p.m. and reconvened at 4:00 p.m., President Sales presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 5 - Senator D. Brown moved consideration of **HB 5** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Vuckovich excused at this time.

HB 562 - Senator Blasdel moved **HB 562** be concurred in. Motion carried as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Whitford, Wolken, Mr.President.
Total 28

Nays: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Smith F,

Tempel, Welborn.
Total 21

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 623 - Senator Facey moved **HB 623** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 639 - Senator Keenan moved **HB 639** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 648 - Senator Ankney moved **HB 648** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 653 - Senator Buttrey moved **HB 653** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 36

Nays: Barrett, Boland, Cohenour, Facey, Fitzpatrick, Gross, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Smith F, Whitford.
Total 13

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 434 - Senator Hinkle moved **HB 434** be concurred in.

HB 434 - Senator Fielder moved **HB 434**, second reading copy, be amended as follows:

1. Page 6, line 3 through line 4.
Strike: "<u>, AND</u>" on line 3 through "<u>USE</u>" on line 4

2. Page 6, line 11.
Strike: "<u>AND TO</u>" through "<u>USE</u>"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 40

Nays: Caferro, Cohenour, Facey, Gross, Malek, McClafferty, Sands, Smith F, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 434 - Senator Cohenour moved **HB 434**, second reading copy, be amended as follows:

1. Title, page 1, lines 7 through 8.
Following: "IMPROVEMENT" on line 7
Strike: "AND PUBLIC ACCESS" on line 8

2. Title, page 1, line 9.
Following: "~~AND~~"
Strike: ","
Insert: "AND"
Following: "HABITAT"
Strike: ", AND IMPROVE PUBLIC ACCESS"

3. Title, page 1, line 10.
Following: "IMPROVEMENT"
Strike: "AND PUBLIC ACCESS"

4. Page 1, line 17.
Following: "habitat"
Strike: "AND IMPROVE PUBLIC ACCESS"

5. Page 1, line 24.
Strike: "9"
Insert: "8"

6. Page 1, line 25.
Following: "Improvement"
Strike: "AND PUBLIC ACCESS"

7. Page 1, line 27.
Strike: "9"
Insert: "8"

8. Page 1, line 29.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

9. Page 2, line 9.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

10. Page 2, line 10.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

11. Page 2, line 12.
Strike: "9"
Insert: "8"

12. Page 3, line 5.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

13. Page 3, line 14.
Following: "improvement"
Strike: "PUBLIC ACCESS"

14. Page 3, line 15.
Strike: "9"
Insert: "8"

15. Page 3, line 30.
Strike: "9"
Insert: "8"

16. Page 4, line 1.
Strike: "9"
Insert: "8"

17. Page 4, line 8.
Following: "IMPROVEMENT"
Strike: "AND PUBLIC ACCESS"

18. Page 5, line 1.

Strike: "9"
Insert: "8"

19. Page 5, line 18.
Following: "~~and~~"
Insert: "and"

20. Page 5, line 19 through line 21.
Strike: "; AND" on line 19 through "[SECTION 8]" on line 21

21. Page 5, line 23 through page 6, line 17.
Strike: section 8 in its entirety
Renumber: subsequent sections

22. Page 6, line 22.
Strike: "9"
Insert: "8"

23. Page 6, line 23.
Strike: "9"
Insert: "8"

Amendment **not adopted** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Welborn, Whitford, Wolken.
Total 24

Nays: Blasdel, Brown, Buttrey, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 434 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal,

Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 36

Nays: Boland, Caferro, Facey, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 13

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 5 - Senator Welborn moved **HB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Welborn, Whitford, Wolken.
Total 41

Nays: Brown, Fielder, Hinebauch, Kary, Regier, Vance, Webb, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Pomnichowski.
Total 1

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 4/12/2017
HB 107, be amended as follows:

1. Page 4.
Following: line 23
Insert: "COORDINATION SECTION. **Section 6. Coordination instruction.** If both House Bill No. 360 and [this act] are passed and approved, then House Bill No. 360 is void."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 110, be amended as follows:

1. Page 5, line 8.
Strike: "$960"
Insert: "$1,560"

And, as amended, be concurred in.

HB 597, be concurred in.
HB 644, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/12/2017
SR 62, be adopted.
HB 612, be amended as follows:

1. Page 2, line 13.
Following: "services"
Insert: ", the board of behavioral health established in 2-15-1744,"

2. Page 3, line 3.
Following: "course"
Insert: "approved by the state approving agency for veterans' educational benefits"

3. Page 3, line 11.
Strike: "and"

4. Page 3, line 13.
Following: "claims"
Insert: "; and
(6) peer or faith-based counseling"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 63**
Report No. 001, April 12, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 63** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 63** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 15.
Following: "DEFINITIONS;"
Strike: "AND"

2. Title, page 1, line 16.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 2.
Following: "PLACEMENT IN"
Insert: ": (A) a secure facility designated by the department for up to 9 months; or
(B)"

4. Page 11, line 30.
Insert: "NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval."

For the Senate:

K. Regier, Chair
Hinkle
Wolken

For the House:

Brodehl, Vice Chair
Dudik
Holmlund

MESSAGES FROM THE OTHER HOUSE

SB 63 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 63:** 4/12/2017

Representative Brodehl, Vice Chair
Representative Dudik
Representative Holmlund

SB 64 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 64:** 4/12/2017

Representative Brodehl, Vice Chair
Representative Dudik
Representative Holmlund

MOTIONS

Majority Leader Thomas moved the President be authorized to appoint a Conference Committee on **SB 111** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/12/2017

Senator K. Regier, Chair
Senator Fielder
Senator Phillips

Senator F. Smith moved that **HB 162** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 19

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Absent or not voting: None.
Total 0

Excused: Vuckovich.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:30 a.m., Thursday, April 13, 2017, the seventh-eighth legislative day. Motion carried.

Senate adjourned at 5:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 13, 2017 — State Capitol

Senate convened at 8:30 a.m. President Sales presiding. Invocation by Senator Sands. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/13/2017

Correctly printed: **SR 62**, **SR 67**, **SJ 31**, **HB 5**, **HB 46**, **HB 142**, **HB 387**, **HB 442**, **HB 473**, **HB 562**, **HB 565**, **HB 572**, **HB 585**, **HB 595**, **HB 597**, **HB 599**, **HB 614**, **HB 618**, **HB 623**, **HB 633**, **HB 639**, **HB 644**, **HB 648**, **HB 653**.

Correctly engrossed: **HB 107**, **HB 110**, **HB 434**, **HB 612**.

Examined by the sponsor and found to be correct: **SB 227**, **SB 307**, **SR 3**, **SR 13**, **SR 18**, **SR 20**, **SR 21**, **SR 43**, **SR 44**, **SR 59**, **SR 60**, **SR 61**, **SR 65**.

Transmitted to the House: **SJ 28**, **SJ 29**, **HB 6**, **HB 7**, **HB 9**, **HB 11**, **HB 344**, **HB 390**, **HB 550**, **HB 622**, **HB 652**.

Signed by the President at 3:30 p.m., April 12, 2017: **SB 43**, **SB 44**, **SB 45**, **SB 46**, **SB 93**, **SB 99**, **SB 116**, **SB 117**, **SB 118**, **SB 144**, **SB 158**, **SB 163**, **SB 175**, **SR 6**, **SR 54**, **SR 55**, **SR 56**.

Signed by the Secretary of the Senate at 3:45 p.m., April 12, 2017: **SR 6**, **SR 54**, **SR 55**, **SR 56**.

Signed by the Secretary of the Senate at 4:00 p.m., April 12, 2017: **SB 43**, **SB 44**, **SB 45**, **SB 46**, **SB 93**, **SB 99**, **SB 116**, **SB 117**, **SB 118**, **SB 144**, **SB 158**, **SB 163**, **SB 175**.

Signed by the President at 7:47 a.m., April 13, 2017: **SB 176**, **SB 200**, **SB 207**, **SB 213**, **SB 216**, **SB 240**, **SB 242**, **SB 260**, **SB 270**, **SB 274**, **SB 284**, **SB 286**, **SB 291**, **SB 292**.

Signed by the Secretary of the Senate at 7:47 a.m., April 13, 2017: **SB 176**, **SB 200**, **SB 207**, **SB 213**, **SB 216**, **SB 240**, **SB 242**, **SB 260**, **SB 270**, **SB 274**, **SB 284**, **SB 286**, **SB 291**, **SB 292**.

Delivered to the Secretary of State at 11:53 a.m., April 13, 2017: **SR 6**, **SR 54**, **SR 55**, **SR 56**.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/12/2017

HB 37, introduced by J. Windy Boy
HB 44, introduced by J. Essmann
HB 99, introduced by Z. Brown
HB 100, introduced by B. Bennett
HB 185, introduced by S. Morigeau
HB 255, introduced by B. Tschida
HB 333, introduced by F. Garner

HB 348, introduced by P. Webb
HB 373, introduced by B. Grubbs
HB 381, introduced by D. Lenz
HB 405, introduced by R. Cook
HB 407, introduced by A. Hertz
HB 424, introduced by Z. Brown
HB 426, introduced by J. Price
HB 449, introduced by W. Galt
HB 533, introduced by V. Court

SB 294 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 294:** 4/12/2017

Representative Ballance, Vice Chair
Representative Funk
Representative Tschida

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 67, introduced by K. Regier, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 31, introduced by M. McNally, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 66 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 66**. Resolution was adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 565 - Senator Moore moved **HB 565** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Barrett, Fielder, Malek, Tempel, Vance, Vuckovich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Howard.

Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 25 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 40

Nays: Brown, Hinebauch, Howard, Jones, Keenan, Osmundson, Regier, Vance, Vincent, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 127, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Brown, Lang.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 155, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 36

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Salomon, Sands, Wolken.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 29, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 315, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 344, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Fielder, Smith C.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Brown, Kary, Regier, Smith C, Vance, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 133 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.

Total 36

Nays: Blasdel, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Vance, Webb, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 142 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 32

Nays: Blasdel, Brown, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 387 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Hinebauch, Hinkle, Howard, Kary, Keenan, Vance, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 434 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 38

Nays: Boland, Caferro, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 562 concurred in as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Sesso, Small, Smith C, Swandal, Thomas, Vance, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 28

Nays: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Gross, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Smith F, Tempel, Vincent, Vuckovich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 572 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

Total 30

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Jones, Kary, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 585 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Wolken.
Total 31

Nays: Barrett, Boland, Brown, Cohenour, Facey, Fielder, Gross, Hinkle, Keenan, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands, Vincent, Vuckovich, Whitford, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 595 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 599 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 600 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Brown, Hinebauch, Regier, Smith C, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 614 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle,

Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 36

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Tempel.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 618 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Small, Smith F, Thomas, Vuckovich, Webb, Welborn, Whitford.
Total 34

Nays: Brown, Caferro, Fitzpatrick, Hinebauch, Hinkle, Howard, Regier, Salomon, Sesso, Smith C, Swandal, Tempel, Vance, Vincent, Wolken, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 623 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 failed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Gauthier, Hinebauch, Hoven, Howard, Jones, Keenan, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn.
Total 23

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Gross, Hinkle, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Sesso, Smith C, Vance, Webb, Whitford, Wolken, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 639 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 648 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 49

Nays: Mr.President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 653 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 280, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 650 - Senator Osmundson moved **HB 650** be concurred in.

HB 650 - Senator Osmundson moved **HB 650**, second reading copy, be amended as follows:

1. Page 22, line 28 through line 30.
Strike: "THE LEGISLATURE" on line 28 through "ELIMINATED." on line 30

2. Page 22, line 30.
Following: "CONTROL"
Insert: ", in conjunction with the department of corrections,"
Strike: "OTHER"

3. Page 24, line 21.

Strike: subsection (2) in its entirety
Insert: "(2)[Sections 3, 7, 11, 19, and 22] are effective January 1, 2018."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 650 - Senator Osmundson moved **HB 650**, second reading copy, be further amended as follows:

1. Page 21, line 27 through line 30.
Strike: subsection (22) in its entirety
Insert: "(22) (a) The amount collected based on the manufacturer's suggested retail price in subsections (2) and (7) is exempt from the provisions of 15-1-122 and must be deposited in the account established in [section 4].
(b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of justice must deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current fiscal year appropriation for the account established in [section 4]."
Renumber: subsequent sections

2. Page 23.
Following: line 3
Insert: "NEW SECTION. **Section 23. Appropriation of state special revenue funds.** For the fiscal year beginning July 1, 2018, any appropriation to the department of justice of state special revenue funds from the highway state special revenue fund as previously authorized pursuant to 60-3-201 and House Bill No. 2 must be paid from the accounts established in [sections 4 and 5], including appropriations to the motor vehicle division, information technology services division, and the central services division."
Renumber: subsequent sections

3. Page 24.
Following: line 8
Insert: "COORDINATION SECTION. **Section 27. Coordination instruction.** If House Bill No. 473 and [this act] are passed and approved, [section 1 of House Bill No. 473] must be amended as follows:

"NEW SECTION. **Section 1. Highway restricted account.** (1) There is a highway restricted account in the state special revenue fund provided for in 17-2-102. All interest and income earned on the account must, in accordance with the provisions of 17-2-124, be deposited to the credit of the account and any unexpended balance in the account must remain in the account.

(2) Subject to subsection (4) and 15-70-403(2), all revenue sources provided for in Article VIII, section 6, of the Montana constitution must be deposited in the account, including but not limited to:

(a) all taxes collected under this chapter except as provided in 15-70-403(2)(b);

(b) taxes collected for improperly imported fuel as provided in 15-70-419;

(c) fees collected for temporary special fuel permits as provided in 15-70-456; and

(d) GVW license fees as provided in 61-10-225 and 61-10-226.

(3) Except as provided in subsection (5), the money in the account is restricted and may be used only for the purpose of providing funding:

(a) for statutory refunds and adjustments;

(b) for debt service on highway revenue bonds;

(c) to the department for distribution to local governments as provided in 15-70-101;

(d) to the department for railroad grade crossing protection as provided in 15-70-102;

~~(e) to the department of justice for expenses of the highway patrol as provided in 44-1-501;~~

~~(f)~~(e) until June 30, 2018, to the department of justice for expenses of the motor vehicle division;

~~(g)~~(f) for gasoline tax allocations as provided in 60-3-201;

~~(h)~~(g) to the department for administration of the motor carrier services functions;

~~(i)~~(h) to the department for the highways in this state selected and designated by the transportation commission provided for in 2-15-2502;

~~(j)~~(i) to the department for the collection of fuel taxes;

~~(k)~~(j) for driver education, which may not exceed $10,000; and

~~(l)~~(k) for tourist promotion, which may not exceed $10,000.

(4) (a) The portion of money collected from all revenue sources provided for in Article VIII, section 6, of the Montana constitution on hand at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate and maintain a reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102.

(b) The department is authorized to maintain a suspense account for gasoline and special fuel tax refunds and adjustments.

(5) The money in the account may be appropriated for purposes other than those listed in subsection (3) by a three-fifths vote of the members of each house of the legislature."

"COORDINATION SECTION. **Section 28. Coordination instruction.** If House Bill No.

473 and [this act] are passed and approved:

(1) the reference to 15-70-403(2)(b) in [section 2(1) of House Bill No. 473] must be changed to "15-70-403(2)(c) and (3)(c)"; and

(2) the reference to 15-70-403(2)(b) in [section 1(2)(a) of House Bill No. 473] must be changed to "15-70-403(2)(b), (2)(c), (3)(b), and (3)(c)."

Insert: "COORDINATION SECTION. **Section 29. Coordination instruction.** If House bill No. 473 and [this act] are passed and approved, the reference to 15-70-403(2)(b)(i) in [section 5(3) of House Bill No. 473] must be changed to "15-70-403(2)(c)"."

Insert: "COORDINATION SECTION. **Section 30. Coordination instruction.** If House Bill No. 473 and [this act] are passed and approved and if both contain a section that amends 15-70-403, then the sections amending 15-70-403 are void and 15-70-403 must be amended as follows:

" **15-70-403. Gasoline and special fuel tax -- incidence -- rates.** (1) The incidence of the fuel tax is on the distributor for the privilege of engaging in and carrying on business in this state. Each distributor shall pay to the department of transportation a tax in an amount equal to:

(a) ~~27 cents~~ for each gallon of gasoline distributed by the distributor within the state and upon which the gasoline tax has not been paid by any other distributor:

(i) 31.5 cents in fiscal years 2018 and 2019;

(ii) 32 cents in fiscal years 2020 and 2021;

(iii) 32.5 cents in fiscal year 2022; and

(iv) 33 cents in fiscal year 2023 and thereafter;

(b) ~~27 3/4 cents~~ for each gallon of special fuel distributed by the distributor within the state and on which the special fuel tax has not been paid by any other distributor:

(i) 29.25 cents in fiscal years 2018 and 2019;

(ii) 29.45 cents in fiscal years 2020 and 2021;

(iii) 29.55 cents in fiscal year 2022; and

(iv) 29.75 cents in fiscal year 2023 and thereafter; and

(c) 4 cents for each gallon of aviation fuel, other than fuel sold to the federal defense fuel supply center, which is allocated to the department as provided by 67-1-301.

(2) The gasoline tax provided for in subsection (1)(a) must be deposited as follows:

(a) the revenue from 23 cents of the tax less the allocations provided for in 60-3-201(1)(a) through (1)(d) to the highway restricted account provided for in [section 1 of House Bill No. 473];

(b) the revenue from 4 cents of the tax less the allocations provided for in 60-3-201(1)(a) through (1)(d) to the highway patrol administration state special revenue account established in [section 5 of House Bill No. 650]; and

(c) the remaining revenue from the tax less the allocations provided for in 60-3-201(1)(a) through (1)(d) to the bridge and road safety and accountability restricted account provided for in [section 2 of House Bill No. 473].

(3) The special fuel tax provided for in subsection (1)(b) must be deposited as follows:

(a) the revenue from 23 3/4 cents of the tax to the highway restricted account provided for in [section 1 of House Bill No. 473];

(b) the revenue from 4 cents of the tax to the highway patrol administration state special revenue account established in [section 5 of House Bill No. 650]; and

(c) the remaining revenue from the tax to the bridge and road safety and accountability

restricted account provided for in [section 2 of House Bill No. 473].

~~(2)~~(4) Gasoline or special fuel may not be included in the measure of the distributor's tax if it is sold for export unless the distributor is not licensed and is not paying the tax to the state where the fuel is destined.

~~(3)~~(5) Special fuel may not be included in the measure of the distributor's tax if it is dyed by injector at a refinery or terminal for off-highway use.

~~(4)~~(6) When no Montana fuel tax has been paid by a distributor or any other person, the department shall collect or cause to be collected from the owners or operators of motor vehicles operating on the public roads and highways of this state a tax equal to the tax rate provided for in subsection (1)(a) for gasoline and subsection (1)(b) for dyed or undyed special fuel. The tax must be paid for each gallon of gasoline or special fuel as defined in this part, or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used to produce motor power to operate motor vehicles on the public roads and highways of this state.

~~(5)~~(7) The tax may not be imposed on dyed special fuel delivered into the fuel supply tank of a vehicle that is equipped with a feed delivery box if:

(a) the feed delivery box is permanently affixed to the vehicle;

(b) the vehicle is used exclusively for the feeding of livestock; and

(c) the gross vehicle weight of the vehicle, exclusive of any towed units, is greater than 12,000 pounds.

~~(6)~~(8) All special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, and used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of a highway or street and its appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions, must be undyed fuel on which Montana fuel tax has been paid.

~~(7)~~(9) Material used for construction, reconstruction, or improvement in connection with work performed under a contract as provided in subsection ~~(6)~~(8) must be produced using fuel on which Montana fuel tax has been paid.""

Insert: "COORDINATION SECTION. **Section 31. Coordination instruction.** If House bill No. 473 and [this act] are passed and approved, the reference to 15-70-403(5) in [section 9(2) of House Bill No. 473] must be changed to "15-70-403(6)"."

Insert: "COORDINATION SECTION. **Section 32. Coordination instruction.** If House Bill No. 473 and [this act] are passed and approved and if both include a section that amends 44-1-501, then [section 14 of House Bill No. 473], amending 44-1-501, is void."

Insert: "COORDINATION SECTION. **Section 33. Coordination instruction.** If House Bill No. 473 and [this act] are passed and approved and if both contain a section that amends 60-3-201, then the sections amending 60-3-201 are void and 60-3-201 must be amended as follows:

"60-3-201. Distribution and use of proceeds of gasoline tax. (1) ~~All money~~ Money received in payment of the gasoline tax under 15-70-403, except those amounts paid out of the department's suspense account for gasoline tax refund, must be deposited as provided in 15-70-403(2) and (3) and used and expended as provided in [sections 1 and 2 of House Bill No. 473] and this section. ~~The portion of that money on hand at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate and maintain a~~

~~reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102.~~ After deductions for amounts paid out of the suspense account for gasoline tax refunds, the remainder of the gasoline tax collected under 15-70-403 is allocated as follows:

(a) 9/10 of 1% to the state park account;

(b) 15/28 of 1% to a snowmobile account in the state special revenue fund;

(c) 1/8 of 1% to an off-highway vehicle account in the state special revenue fund;

(d) 1/25 of 1% to the aeronautics revenue fund of the department under the provisions of 67-1-301; and

(e) the remaining amount~~:~~

~~(i) for use by the department on the highways in this state selected and designated by the commission;~~

~~(ii) for collection of the fuel taxes; and~~

~~(iii) for the enforcement of the Montana highway code under Article VIII, section 6, of the constitution of this state~~ as provided for in [sections 1 and 2 of House Bill No. 473].

(2) The department shall, in expending this money, carry forward construction from year to year, using the money expended in accordance with this title. Nothing in this title conflicts with Title 23 of the United States Code and the rules by which it is administered.

(3) The department may enter into cooperative agreements with the national park service and the federal highway administration for the purpose of maintaining national park approach roads in Montana.

(4) Money credited to the state park account in the state special revenue fund may be used only for the creation, improvement, and maintenance of state parks where motorboating is allowed. The legislature finds that of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

(5) (a) Money credited to the snowmobile account may be used only to develop and maintain facilities open to the general public at no admission cost, to promote snowmobile safety, for enforcement purposes, and for the control of noxious weeds.

(b) Of the amounts deposited in the snowmobile account:

(i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third of the 13% deposited must be used for the enforcement of snowmobile laws.

(ii) 1% of the amount deposited must be credited to the noxious weed management special revenue fund provided for in 80-7-816.

(c) The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling registered snowmobiles in this state.

(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.

(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/25 of 1% is used for propelling aircraft in this state.""

Insert: "COORDINATION SECTION. **Section 34. Coordination instruction.** If House Bill No. 473 and [this act] are passed and approved, then [section 3(2) of House Bill No. 650] must read "(2) a 6.6% administrative fee to be deposited in the state special revenue account provided for in [section 1 of House Bill No. 473]"."

Insert: "COORDINATION SECTION. **Section 35. Coordination instruction.** If House Bill No. 473 and [this act] are passed and approved, the reference to 15-70-403(8) and 60-3-201(1)(e) in [section 5(2) of this act] must read "15-70-403(2)(b) and (2)(c)"."

Insert: "COORDINATION SECTION. **Section 36. Coordination instruction.** If both Senate Bill No. 59 and [this act] are passed and approved and [this act] includes language that eliminates the position of executive director of the board of crime control, then [section 3(1)(f) of Senate Bill No. 59] is void and [section 3(1)(d) of Senate Bill No. 59] must read as follows:

(d) two employees of the department of corrections selected by the director, one of whom must have expertise in data collection and reporting;"

Renumber: subsequent sections

4. Page 24, line 19.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

5. Page 24.
Following: line 21
Insert: "(3) [Section 36] and this section are effective on passage and approval."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 650 - Senator Hoven moved **HB 650**, second reading copy, be further amended as follows:

1. Title, page 1, line 8.
Strike: "REPEALING THE BOOT CAMP INCARCERATION PROGRAM;"

2. Title, page 1, line 17.
Strike: "46-18-201, 53-1-202,"

3. Title, page 1, line 18 through line 19.
Strike: "REPEALING" on line 18 through "MCA;" on line 19

4. Page 7, line 24 through page 11, line 14.
Strike: section 12 through section 13 in their entirety
Renumber: subsequent sections

5. Page 23, line 5 through line 9.
Strike: section 23 in its entirety
Renumber: subsequent sections

6. Page 24, line 10.
Strike: "22"
Insert: "20"

7. Page 24, line 21.
Strike: "19"
Insert: "17"

Amendment **not adopted** as follows:

Yeas: Blasdel, Boland, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, McClafferty, Olszewski, Phillips, Pomnichowski, Regier, Smith F, Swandal, Tempel, Vuckovich, Webb, Whitford.
Total 23

Nays: Ankney, Barrett, Brown, Buttrey, Cohenour, Gross, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Osmundson, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vance, Vincent, Welborn, Wolken, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 650 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Keenan, Lang, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 - Senator Ankney moved **HB 473** be concurred in.

HB 473 - Senator Moore moved **HB 473**, second reading copy, be amended as follows:

1. Page 3, line 5.
Strike: "$12.5"
Insert: "$13.2"

2. Page 3, line 6.
Strike: "35% OR $9.8"
Insert: "48.5% or $9.75"

3. Page 10, line 25.
Following: "~~cents~~"
Insert: "30 cents"

4. Page 10, line 26 through line 30.
Strike: ":" on line 26 through "THEREAFTER" on line 30

5. Page 11, line 1.
Following: "~~cents~~"

Insert: "29 1/4 cents"

6. Page 11, line 2 through line 6.
Strike: ":" on line 2 through "THEREAFTER" on line 6

7. Page 23, line 3.
Strike: "$12.5"
Insert: "$13.2"
Strike: "$9.8"
Insert: "$9.75"

Amendment **not adopted** as follows:

Yeas: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 - Senator Howard moved **HB 473**, second reading copy, be amended as follows:

1. Title, page 1, line 15.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 10, line 27.
Following: "2019;"
Insert: "and"

3. Page 10, line 29 through line 30.
Strike: subsection (III) through subsection (IV) in their entirety

4. Page 11, line 3.
Following: "2019;"
Insert: "and"

5. Page 11, line 4.
Following: "2021;"
Insert: "and"

6. Page 11, line 5 through line 6.
Strike: subsection (III) through subsection (IV) in their entirety

7. Page 23.
Following: line 19
Insert: "NEW SECTION. **Section 29. Termination.** [This act] terminates June 30, 2021."

Amendment **not adopted** as follows:

Yeas: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 - Thereupon, the Senate reverted to the original motion of Senator Ankney which passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 46 - Senator Swandal moved **HB 46** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 25

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Thomas, Vance, Vincent, Webb, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Malek excused at this time.

HB 46 - Senator Thomas moved **HB 46** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: Malek.
Total 1

Senator Malek present at this time.

Senator R. Webb excused at this time.

HB 442 - Senator McNally moved **HB 442** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 25

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: Webb.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 40

Nays: Blasdel, Gross, Keenan, Moore, Olszewski, Regier, Smith C, Smith F, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: Webb.
Total 1

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/13/2017
HB 638, be amended as follows:

1. Title, page 1, line 5.
Following: "DISABILITY"
Insert: "AND AGING"

2. Title, page 1, line 6.
Following: "WAGES;"
Insert: "AUTHORIZING A FUND TRANSFER FROM THE OLDER MONTANANS TRUST FUND TO THE DIRECT CARE WORKER WAGES ACCOUNT; AMENDING SECTION 52-3-115, MCA;"
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 1, line 14.
Strike: "$6,605,652"
Insert: "$5,277,977"

4. Page 1, line 15.
Strike: "$3,433,333"
Insert: "$2,789,240"
Strike: "general"
Insert: "state special revenue"

5. Page 1, line 16.
Strike: "$13,211,304"
Insert: "$12,326,129"

6. Page 1, line 17.
Strike: "$6,866,666"
Insert: "$6,526,928"
Strike: "general"
Insert: "state special revenue"

7. Page 1, line 18 through line 19.
Strike: "and related" on line 18 through "payments" on line 19

8. Page 1, line 24 through line 25.
Strike: "and" on line 24 through "benefits" on line 25

9. Page 1, line 25.
Strike: "$1.25"
Insert: "75 cents"

10. Page 1, line 26.
Strike: "$1.25"
Insert: "75 cents"

11. Page 1, line 28.
Strike: "$1.25"
Insert: "75 cents"

12. Page 1.
Following: line 29
Insert: "(5) The appropriation in this section is intended to increase medicaid services and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates. The appropriation in this section may not be used to provide wages to program managers, administrative staff, management staff, schedulers, nurse supervisors, licensed practical nurses, registered nurses, or case managers."
Renumber: subsequent subsections

13. Page 2, line 2.
Insert: "NEW SECTION. **Section 2. Appropriation for direct care worker wages.** (1) The following amounts are appropriated to the department of public health and human services for the biennium beginning July 1, 2017, for a rate increase for home and community-based services waiver direct care workers and for community services personal care assistants to be administered by the senior and long-term care division for elderly and physically disabled individuals, to be phased in and used as provided in this section:

Fiscal Year 2018	$808,268	federal special revenue
	$427,144	state special revenue fund
Fiscal Year 2019	$1,211,568	federal special revenue
	$641,549	state special revenue fund

(2) Providers may use the appropriation to increase wages only for workers who:
(a) provide direct care;
(b) are employed in community services; and
(c) are not state employees.
(3) The department shall use the appropriation starting on:
(a) July 1, 2017, to increase wages by at least $1.50 an hour per employee; and
(b) July 1, 2018, to increase wages by at least $2.25 an hour per employee.
(4) The appropriation in this section is intended to increase medicaid services and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates. The appropriation in this section may not be used to provide wages to program managers, administrative staff, management staff, schedulers, nurse supervisors, licensed practical nurses, registered nurses, or case managers.
(5) The legislature intends that the appropriation in this section be considered a part of the ongoing base for the next legislative session."
Insert: "NEW SECTION. **Section 3. Direct care worker wage account.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the direct care worker wage account.

(2) There must be deposited in the account money received from fund transfers provided by [sections 4 and 5].

(3) The money in the account must be used to fund the state special revenue appropriations in [sections 1 and 2]."

Insert: "NEW SECTION. **Section 4. Contingent fund transfer to direct care worker wage account.** (1) For the fiscal year ending June 30, 2017, if the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2017 is more than the estimated state general fund revenue in House Joint Resolution No. 2 for the same fiscal year, then the state treasurer shall transfer the amount of general fund revenue that exceeds the revenue estimate from the general fund to the direct care worker wage account provided in [section 3], not to exceed $2,789,240. The state treasurer shall make the transfer by August 1, 2017, and before the transfer in section 14(4) of Senate Bill No. 367.

(2) For the fiscal year ending June 30, 2018, if the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2018 is more than the estimated state general fund revenue in House Joint Resolution No. 2 for the same fiscal year, then the state treasurer shall transfer the amount of general fund revenue that exceeds the revenue estimate from the general fund to the direct care worker wage account provided in [section 3], not to exceed $6,526,928. The state treasurer shall make the transfer by August 1, 2018, and before the transfer in section 14(4) of Senate Bill No. 367.

(3) For the purpose of this section, certified unaudited general fund revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102 and include transfers into the general fund."

Insert: "NEW SECTION. **Section 5. Transfer of funds to direct care worker wage account.** By July 1, 2017, the state treasurer shall transfer $1,068,693 from the older Montanans trust fund, provided for in 52-3-115, to the direct care worker wage account provided in [section 3] for the biennium beginning July 1, 2017."

Insert: "Section 6. Section 52-3-115, MCA, is amended to read:

"52-3-115. Older Montanans trust fund. (1) There is an older Montanans trust fund within the permanent fund type. The trust fund is subject to legislative appropriation as provided in this section.

(2) The money in the fund may be used to ~~create new, innovative services or to expand~~ fund existing services for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those Montanans. The interest and income produced by the trust fund and appropriated to the department by the legislature is intended to increase services referred to in this subsection and not to supplant other sources of revenue for those programs in the trended traditional level, as used in 53-6-1201, of appropriations for those services.

(3) The department may accept contributions and gifts for the trust fund in money or other forms, and when accepted, the contributions and gifts must be deposited in the trust fund.

(4) Interest and income earned on money in the trust fund must be retained within the fund except as provided in this section. ~~Until the year 2015, if assets in the fund reach the following amounts, money~~ Money may be appropriated by the legislature and used ~~in the following amounts~~ for the programs specified in ~~subsection (2):~~[section 2].

~~(a) When the fund balance reaches $20 million, 50% of the interest earned may be appropriated.~~
~~(b) When the fund balance reaches $50 million, 60% of the interest earned may be appropriated.~~
~~(c) When the fund balance reaches $100 million, 80% of the interest earned may be appropriated.~~
~~(5) On and after January 1, 2015, 90% of the interest earned on the trust fund may be appropriated for the programs specified in subsection (2).~~
~~(6)~~(5) The department shall provide to the legislature a biennial report of the expenditures of the money appropriated from the older Montanans trust fund as provided in 5-11-210.""
Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If Senate Bill No. 367 and [this act] are both passed and approved and if Senate Bill No. 261 is not passed and approved, then [section 1 of Senate Bill No. 367] is amended to include the following definition:
"(4) "Excess revenues" means the amount of general fund revenue that exceeds the revenue estimate established pursuant to 5-5-227 minus the amount of the general fund transfer provided for in [section 4 of House Bill No. 638].""
Insert: "COORDINATION SECTION. **Section 8. Coordination instruction.** If Senate Bill No. 261, Senate Bill No. 367, and [this act] are passed and approved, then [section 1 of Senate Bill No. 367] is amended to include the following definition:
"(4) "Excess revenues" means the amount of general fund revenue that exceeds the revenue estimate established pursuant to 5-5-227 plus the amount of the general fund transfer provided for in [section 4 of House Bill No. 638].""
Renumber: subsequent section

14. Page 2, line 4.
Following: line 3
Insert: "NEW SECTION. **Section 10. Termination.** [Sections 3 and 6] terminate June 30, 2019."

And, as amended, be concurred in.

Without objection, committee report was adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 64**
Report No. 001, April 13, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 64** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 64** (reference copy -- salmon) be amended as follows:

1. Page 15, line 21.
Following: "PLACEMENT IN"
Insert: ": (i) a secure facility designated by the department for up to 9 months; or (ii)"
Following: "PROGRAM"
Insert: "designated by the department"

2. Page 18, line 4.
Strike: "30"
Insert: "60"

3. Page 19, line 11.
Strike: "January 1, 2018"
Insert: "July 1, 2017"

For the Senate:

Fielder, Chair
Swandal
Wolken

For the House:

Brodehl, Vice Chair
Dudik
Holmlund

FREE CONFERENCE COMMITTEE
on **Senate Bill 294**
Report No. 001, April 13, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 294** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 294** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.
Following: "RANGE;"
Insert: "APPROPRIATING FUNDS TO IMPLEMENT PAY REVISIONS; PROVIDING FOR TRANSFERS;"

2. Title, page 1, line 12.
Following: "2-18-1204,"
Insert: "10-4-301,"

3. Title, page 1, line 13.
Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 3, line 7.
Following: "~~competency~~"
Insert: "documented"

5. Page 5, line 25.
Strike: "outside of the parameters of"
Insert: "that exceeds"

6. Page 6.
Following: line 2
Insert: "(7) The agencies listed in subsection (6) shall provide required budget information on personal services, and pay increases above the occupational wage range for these agencies are not required to be included in the executive budget in accordance with Title 17, chapter 7, part 1."
Renumber: subsequent subsections

7. Page 7, line 29.
Strike: "January 15, 2016"
Insert: "February 15, 2018"

8. Page 7, line 30.
Strike: "50 cents an hour"
Insert: "1%"

9. Page 8, line 1.
Strike: "January 15, 2017"
Insert: "February 15, 2019"

10. Page 8, line 1 through line 2.
Strike: "50 cents an hour"
Insert: "1%"

11. Page 10.
Following: line 5
Insert: "Section 9. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications accounts. (1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1)(a);

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1)(b); and

(c) an account for all fees collected for wireless enhanced 9-1-1 services pursuant to 10-4-201(1)(c). The money is allocated as follows:

(i) 50% of the account must be deposited in an account for distribution to the 9-1-1

jurisdictions; and

(ii) 50% of the account must be deposited in an account for distribution to wireless providers.

(2) Money in the account provided for in subsection (1)(c)(ii), including interest earned from the investment of money in the account, is subject to legislative fund transfers.

~~(2)~~(3) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account. An amount equal to 2.74% of the money received pursuant to 10-4-201 must be deposited in an account in the state special revenue fund to be used for the administration of this chapter. Any remaining funds at the end of a fiscal year must be equally distributed to each of the four accounts provided for in subsection (1).

~~(3)~~(4) The accounts established in subsection (1) retain interest earned from the investment of money in the accounts.

~~(4)~~(5) After payment of refunds pursuant to 10-4-205, the balance of the respective accounts must be used for the purposes described in part 1 of this chapter.

~~(5)~~(6) The distribution of funds in the 9-1-1 emergency telecommunications accounts described in subsection (1), as required by 10-4-302, 10-4-311, and 10-4-313, is statutorily appropriated, as provided in 17-7-502, to the department.

~~(6)~~(7) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from appropriations made for that purpose.""

Renumber: subsequent sections

12. Page 11.

Following: line 12

Insert: "NEW SECTION. **Section 12. Appropriations.** (1) The following money for the indicated fiscal years is appropriated from the following sources to the listed agencies to implement the adjustments provided in 2-18-303:

Fiscal Year 2018

	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	35,180	6,210		
Consumer Counsel		2,256		
Judicial Branch	84,299	2,880	83	
Executive Branch	1,064,196	908,447	600,410	20,127
Montana University System	1,142,646	253	12,228	1,022

Total	2,326,321	920,045	612,721	21,149
Fiscal Year 2019				
	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	124,184	21,919		
Consumer Counsel		7,963		
Judicial Branch	297,576	10,165	292	
Executive Branch	3,756,611	3,206,816	2,119,447	71,047
Montana University System	3,493,577	892	43,166	3,608
Total	7,671,948	3,247,754	2,162,905	74,655

(2) The following money is appropriated for the biennium beginning July 1, 2017, to the office of budget and program planning from the designated state fund, to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

General Fund	$1,000,000
State Special Revenue	$300,000
Federal Special Revenue	$100,000
Proprietary Funds	$25,000

(3) For the biennium beginning July 1, 2017, there is appropriated $75,000 from the general fund to the department of administration for a labor-management training initiative."

Insert: "NEW SECTION. **Section 13. Montana university system voluntary retirement incentive program.** For the biennium beginning July 1, 2017, the sum of $2,000,000 in general fund is appropriated to the Montana university system to fund a retirement incentive program effort for qualified employees. The program design for the funds may include payment of health and prescription drug plan benefits, termination pay such as cashing out statutorily required benefits, or additional buyout incentives. Any funds in the program will remain in the program's fund balance, and applications will be considered until the funds are exhausted."

Insert: "NEW SECTION. **Section 14. Appropriations.** (1) In the fiscal year beginning July 1, 2017, there is appropriated $5,739 to the legislative branch to implement the provisions of Senate Bill No. 240.

(2) In the fiscal year beginning July 1, 2018, there is appropriated $11,478 to the legislative branch to implement the provisions of Senate Bill No. 240."

Insert: "NEW SECTION. **Section 15. Appropriations.** The following money for the indicated fiscal years is appropriated from the following sources to the executive branch for the sheriffs' retirement system costs:

Fiscal Year	General Fund	State Special	Federal Special	Proprietary
Fiscal Year 2018	67,703	22,201	4,463	7,750
Total Fiscal Year 2019	67,703	22,201	4,463	7,750

"

Insert: "NEW SECTION. **Section 16. Appropriations.** (1) In the fiscal year beginning July 1, 2017, there is appropriated $44,901 to the legislative branch to implement the provisions of Senate Bill No. 279.

(2) In the fiscal year beginning July 1, 2018, there is appropriated $42,101 to the legislative branch to implement the provisions of Senate Bill No. 279."

Insert: "NEW SECTION. **Section 17. Fund transfer.** By August 15, 2017, the state treasurer shall transfer $2 million from the wireless 911 state special revenue account provided for in 10-4-301(1)(c)(ii) to the general fund."

Insert: "COORDINATION SECTION. **Section 18. Coordination instruction.** (1) If Senate Bill No. 240 is not passed and approved, [section 14] is void.

(2) If House Bill No. 383 is not passed and approved, [section 15] is void.

(3) If Senate Bill No. 279 is not passed and approved, [section 16] is void."

Insert: "NEW SECTION. **Section 19. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

13. Page 11.

Following: line 14

Insert: "NEW SECTION. **Section 21. Termination.** [Section 9] terminates June 30, 2019."

For the Senate:

Fitzpatrick, Chair
Buttrey
Facey

For the House:

Ballance, Vice Chair
Funk
Tschida

MOTIONS

Senator Cohenour moved the Senate reconsider its action of the previous day on **HB 631** and place **HB 631** on third reading this legislative day. Motion failed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 24

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Thomas, Vance, Vincent, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Webb.
Total 1

Senator Hinkle moved that **HB 193** be taken from the Energy and Telecommunications Committee and placed on second reading the next legislative day. Motion failed as follows:

Yeas: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinkle, Howard, Keenan, MacDonald, Malek, McNally, Moore, Olszewski, Phillips, Pomnichowski, Sands, Smith F, Thomas, Vincent, Whitford, Wolken.
Total 24

Nays: Ankney, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Lang, McClafferty, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Vance, Vuckovich, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Webb.
Total 1

Senator Webb present at this time.

Senator Blasdel moved that **HB 430** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading the next legislative day. Motion failed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Gross, Kary, MacDonald, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Thomas, Webb, Wolken.
Total 17

Nays: Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Malek, McClafferty, Moore, Olszewski, Osmundson, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Mr.President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Small moved that **HB 602** be taken from the Taxation Committee and placed on second reading the next legislative day. Motion failed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Whitford, Wolken.
Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Smith C, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this past week.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 442 failed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 25

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 565 concurred in as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vincent, Vuckovich, Welborn, Wolken, Mr.President.
Total 37

Nays: Ankney, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Smith C, Swandal, Tempel,

Vance, Webb, Whitford.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 650 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Whitford, Wolken.
Total 31

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Regier, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Whitford moved to change her third-reading vote on **HB 565** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, April 18, 2017, the seventy-ninth legislative day. Motion carried.

Senate adjourned at 10:57 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 18, 2017 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Malek. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Olszewski and Vuckovich excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/18/2017
Correctly engrossed: **HB 638**, **HB 650**.
Correctly enrolled: **SB 25**, **SB 29**, **SB 42**, **SB 92**, **SB 120**, **SB 126**, **SB 197**, **SB 241**, **SB 299**, **SB 344, SR 39**, **SR 45**, **SR 51**, **SR 58**, **SR 63**, **SR 66**,.
Examined by the sponsor and found to be correct: **SB 25**, **SB 29**, **SB 42**, **SB 92**, **SB 120**, **SB 126**, **SB 197**, **SB 241**, **SB 299**, **SB 344**, **SR 39**, **SR 45**, **SR 51**, **SR 58**, **SR 63**, **SR 66**.
Transmitted to the House: **SJ 25**, **HB 5**, **HB 133**, **HB 142**, **HB 387**, **HB 434**, **HB 473**, **HB 562**, **HB 565**, **HB 572**, **HB 585**, **HB 600**, **HB 614**, **HB 618**, **HB 623**, **HB 639**, **HB 648**, **HB 650**, **HB 653**.

MESSAGES FROM THE GOVERNOR

April 11, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Tuesday, April 11, 2017, I signed the following bills:

SB 224 - S. Malek
SB 252 - M. Blasdel

I also delivered **Senate Bill 40** - J. Sesso, to the Secretary of State's Office without signature.

Sincerely,

STEVE BULLOCK
Governor

April 14, 2017

The Honorable Scott Sales
President of the Senate
State Capital
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I **return with amendments Senate Bill 184 (SB 184)**, "AN ACT REVISING LAWS TO ALLOW A WORKERS' COMPENSATION INSURER TO TERMINATE PAYMENT OF BENEFITS ON THE BASIS OF FRAUD, MISTAKE, OR RECEIPT OF EVIDENCE OF NONLIABILITY; AMENDING SECTION 39-71-609, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 184 in part codifies current case law, which allows a workers' compensation insurer to immediately terminate benefits if the insurer establishes that the benefits were obtained through fraud. When such termination occurs, prior notice to the injured worker is not required.

However, SB 184 goes on to allow termination of benefits without prior notice to the injured workers when there is a mutual mistake of material fact or when the insurer receives "clear and convincing evidence" of its lack of liability for payment of benefits. These provisions expand termination procedures even though no premium rating information suggests these changes will have a positive impact on costs in our workers' compensation system. In fact, these new provisions will likely encourage more litigation and additional costs.

The workers' compensation system is "intended to be primarily self-administering" and is designed to provide great predictability and certainty for employers, employees, and medical providers. Allowing automatic termination of benefits with no notice to the injured worker when fraud has not occurred will only increase litigation of claims. Therefore, I am offering amendments to clarify that termination of benefits due to fraud may occur without notice, and termination of benefits due to mutual mistake requires 14 days' notice. Finally, termination of benefits for other reasons may continue to occur as already provided by law.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Reference Copy
Requested by the Governor
For the Senate Committee of the Whole

Prepared by Todd Everts
April 25, 2017 (4:17pm)

1. Title, line 7 through line 8.
Following: "FRAUD" on line 7
Strike: ","
Insert: "OR"
Following: "MISTAKE" on line 7
Strike: ", OR RECEIPT" on line 7 through "NONLIABILITY" on line 8

2. Page 1, line 15 through line 16.
Following: "**fraud**" on line 15
Strike: "**,**"
Insert: "or"
Following: "**mistake**" on line 15
Strike: "**,**" on line 15 through "**information**" on line 16

3. Page 1, line 17.
Strike: "(2)"
Insert: "(2)(a)"

4. Page 1, line 25.
Following: "if"
Insert: "the claim was accepted because of"

5. Page 1, line 26.
Strike: "the claim" through "fact"
Insert: "fraud"

6. Page 1, line 27 through line 28.
Following: "(b)" on line 27
Strike: "the insurer" on line 27 through "benefits" on line 28
Insert: "mutual mistake of fact"

April 14, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Sales and Speaker Knudsen:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 7 (SB 7)**, "AN ACT REVISING NET METERING LEGISLATIVE FINDINGS; AMENDING SECTIONS 69-8-601, 69-8-602, AND 69-8-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 7 amends the legislative findings on net metering to read that "customers using net metering systems under this part may not be subsidized by other public utility customers who do not use net metering systems."

The 2015 Montana Legislature passed Senate Joint Resolution 12 (SJ 12), which requested an interim study of net metering costs and benefits. The intent of this study was to clarify whether net metered customers were shifting costs onto other customers. Ultimately, the Energy and Telecommunications Interim Committee's analysis was inconclusive, leaving the question to be answered in the future.

This legislature is likely to pass House Bill 219 (HB 219), which will provide for a study by the Montana Public Service Commission of net metering and the costs and benefits associated with net metering. HB 219 may provide for a better understanding of how net metering will impact other system customers. Thus, it is premature to draw any conclusions about this relationship, which SB 7 appears to do.

In June 2016, through my Energy Blueprint, I committed to oppose any efforts to weaken our current net metering statutes. At this point in time I believe the distributed generation business sector would be negatively impacted by the regulatory uncertainty this bill creates. The number of new net metered systems being developed would be reduced in areas served by Montana public utilities as customers are forced to weigh the risks of potential investments. Hurting a vibrant sector of the economy in this manner is not in anyone's interest.

For these reasons, I veto SB 7.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/13/2017

SB 21, introduced by E. Buttrey
SB 245, introduced by D. Salomon
SB 352, introduced by A. Olszewski

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/13/2017

SB 73, introduced by P. Connell
SB 90, introduced by N. Swandal
SB 94, introduced by K. Regier
SB 119, introduced by J. Hinkle
SB 248, introduced by M. Blasdel
SB 317, introduced by D. Salomon
SB 329, introduced by K. Regier
SB 359, introduced by M. Blasdel
SB 363, introduced by C. Vincent

Senate amendments to House bill concurred in: 4/13/2017

HB 541, introduced by A. Hertz

Senate amendments to House joint resolution concurred in: 4/13/2017

HJ 15, introduced by S. Gunderson

SB 111 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 111:** 4/13/2017

Representative Z. Brown
Representative Flynn
Representative M. Regier

MOTIONS

Majority Leader Thomas moved that **SB 294**, on the second reading agenda, be moved to the bottom of the board. Without objection, so ordered.

Majority Leader Thomas moved that **HB 612** be taken from the second reading agenda this date and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

Senator Olszewski present at this time.

Senator Malek moved that **HB 602** be taken from the Taxation Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Whitford, Wolken.
Total 24

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 62 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 62**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 63 - **Free Conference Committee Report No. 1** - Senator Wolken moved the Free Conference Committee report to **SB 63** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 64 - **Free Conference Committee Report No. 1** - Senator Wolken moved the Free Conference Committee report to **SB 64** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Smith C.
Total 1

Absent or not voting: None.

Total 0

Excused: Vuckovich.
Total 1

SB 73 - **House Amendments** - Senator Connell moved House amendments to **SB 73** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Gross.
Total 1

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 90 - **House Amendments** - Senator Swandal moved House amendments to **SB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Brown, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 94 - **House Amendments** - Senator K. Regier moved House amendments to **SB 94** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour.
Total 1

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 119 - **House Amendments** - Senator Hinkle moved House amendments to **SB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SB 329 - **House Amendments** - Senator K. Regier moved House amendments to **SB 329** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 43

Nays: Boland, Cohenour, Phillips, Pomnichowski, Smith F, Whitford.
Total 6

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 107 - Senator Connell moved **HB 107** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: Keenan, Richmond, Whitford.
Total 3

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 597 - Senator Cohenour moved **HB 597** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Brown, Keenan, Lang, Tempel.
Total 4

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 644 - Senator Connell moved **HB 644** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Lang, Regier.
Total 2

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

MOTIONS

Majority Leader Thomas moved that **HB 107**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 558** be taken from the Finance and Claims Committee and placed on second reading this date. Without objection, so ordered.

Majority Leader Thomas moved that **HB 511** be taken from the Taxation Committee and placed on second reading this date. Without objection, so ordered.

Senator Gauthier moved to change his third-reading vote on **HB 142** the previous legislative day, from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Blasdel introduced the **Pages** for the coming week:

Quincey Frewin from Billings, sponsored by Senator C. Smith
Parker Gunderson from Billings, sponsored by Senator Webb
Bailey Chalfant from Busby, sponsored by Senator Small

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved the Senate recess until 4:00 p.m. this day. Motion carried. Senate recessed at 1: 45 p.m.

Senate reconvened at 4:00 p.m., President Sales presiding.

Senator Vuckovich present at this time.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 294**
Report No. 002, April 13, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 294** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 294** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.
Following: "RANGE;"

Insert: "APPROPRIATING FUNDS TO IMPLEMENT PAY REVISIONS; PROVIDING FOR TRANSFERS;"

2. Title, page 1, line 12.
Following: "2-18-1204,"
Insert: "10-4-301,"

3. Title, page 1, line 13.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

4. Page 3, line 7.
Following: "~~competency~~"
Insert: "documented"

5. Page 5, line 25.
Strike: "outside of the parameters of"
Insert: "that exceeds"

6. Page 6.
Following: line 2
Insert: "(7) The agencies listed in subsection (6) shall provide required budget information on personal services, and pay increases above the occupational wage range for these agencies are not required to be included in the executive budget in accordance with Title 17, chapter 7, part 1."
Renumber: subsequent subsections

7. Page 7, line 29.
Strike: "January 15, 2016"
Insert: "February 15, 2018"

8. Page 7, line 30.
Strike: "50 cents an hour"
Insert: "1%"

9. Page 8, line 1.
Strike: "January 15, 2017"
Insert: "February 15, 2019"

10. Page 8, line 1 through line 2.
Strike: "50 cents an hour"
Insert: "1%"

11. Page 10.
Following: line 5

Insert: "Section 9. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications accounts. (1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1)(a);

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1)(b); and

(c) an account for all fees collected for wireless enhanced 9-1-1 services pursuant to 10-4-201(1)(c). The money is allocated as follows:

(i) 50% of the account must be deposited in an account for distribution to the 9-1-1 jurisdictions; and

(ii) 50% of the account must be deposited in an account for distribution to wireless providers.

(2) Money in the account provided for in subsection (1)(c)(ii), including interest earned from the investment of money in the account, is subject to legislative fund transfers.

~~(2)~~(3) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account. An amount equal to 2.74% of the money received pursuant to 10-4-201 must be deposited in an account in the state special revenue fund to be used for the administration of this chapter. Any remaining funds at the end of a fiscal year must be equally distributed to each of the four accounts provided for in subsection (1).

~~(3)~~(4) The accounts established in subsection (1) retain interest earned from the investment of money in the accounts.

~~(4)~~(5) After payment of refunds pursuant to 10-4-205, the balance of the respective accounts must be used for the purposes described in part 1 of this chapter.

~~(5)~~(6) The distribution of funds in the 9-1-1 emergency telecommunications accounts described in subsection (1), as required by 10-4-302, 10-4-311, and 10-4-313, is statutorily appropriated, as provided in 17-7-502, to the department.

~~(6)~~(7) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from appropriations made for that purpose.""

Renumber: subsequent sections

12. Page 11.

Following: line 12

Insert: "NEW SECTION. **Section 12. Appropriations.** (1) The following money for the indicated fiscal years is appropriated from the following sources to the listed agencies to implement the adjustments provided in 2-18-303:

Fiscal Year 2018

	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	35,180	6,210		

Consumer Counsel		2,256		
Judicial Branch	84,299	2,880	83	
Executive Branch	1,064,196	908,447	600,410	20,127
Montana University System	1,142,646	253	12,228	1,022
Total	2,326,321	920,045	612,721	21,149
Fiscal Year 2019				
	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	124,184	21,919		
Consumer Counsel		7,963		
Judicial Branch	297,576	10,165	292	
Executive Branch	3,756,611	3,206,816	2,119,447	71,047
Montana University System	3,493,577	892	43,166	3,608
Total	7,671,948	3,247,754	2,162,905	74,655

(2) The following money is appropriated for the biennium beginning July 1, 2017, to the office of budget and program planning from the designated state fund, to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

General Fund	$1,000,000
State Special Revenue	$300,000
Federal Special Revenue	$100,000
Proprietary Funds	$25,000

(3) For the biennium beginning July 1, 2017, there is appropriated $75,000 from the general fund to the department of administration for a labor-management training initiative."

Insert: "NEW SECTION. **Section 13. Montana university system voluntary retirement**

incentive program. For the biennium beginning July 1, 2017, the sum of $2,000,000 in general fund is appropriated to the Montana university system to fund a retirement incentive program effort for qualified employees. The program design for the funds may include payment of health and prescription drug plan benefits, termination pay such as cashing out statutorily required benefits, or additional buyout incentives. Any funds in the program will remain in the program's fund balance, and applications will be considered until the funds are exhausted."

Insert: "NEW SECTION. **Section 14. Appropriations.** (1) In the fiscal year beginning July 1, 2017, there is appropriated $5,739 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 240.

(2) In the fiscal year beginning July 1, 2018, there is appropriated $11,478 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 240."

Insert: "NEW SECTION. **Section 15. Appropriations.** The following money for the indicated fiscal years is appropriated from the following sources to the executive branch for the sheriffs' retirement system costs:

Fiscal Year	General Fund	State Special	Federal Special	Proprietary
Fiscal Year 2018	67,703	22,201	4,463	7,750
Total Fiscal Year 2019	67,703	22,201	4,463	7,750

"

Insert: "NEW SECTION. **Section 16. Appropriations.** (1) In the fiscal year beginning July 1, 2017, there is appropriated $44,901 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 279.

(2) In the fiscal year beginning July 1, 2018, there is appropriated $42,101 from the general fund to the legislative branch to implement the provisions of Senate Bill No. 279."

Insert: "NEW SECTION. **Section 17. Fund transfer.** By August 15, 2017, the state treasurer shall transfer $2 million from the wireless 911 state special revenue account provided for in 10-4-301(1)(c)(ii) to the general fund."

Insert: "COORDINATION SECTION. **Section 18. Coordination instruction.** (1) If Senate Bill No. 240 is not passed and approved, [section 14] is void.

(2) If House Bill No. 383 is not passed and approved, [section 15] is void.

(3) If Senate Bill No. 279 is not passed and approved, [section 16] is void."

Insert: "NEW SECTION. **Section 19. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

13. Page 11.

Following: line 14

Insert: "NEW SECTION. **Section 21. Termination.** [Section 9] terminates June 30, 2019."

For the Senate:	For the House:
Fitzpatrick, Chair	Ballance, Vice Chair
Buttrey	Funk
Facey	Tschida

MOTIONS

Senator Hinkle moved that **HB 193** be taken from the Energy and Telecommunications Committee and placed on second reading this date. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Howard, Keenan, MacDonald, Malek, McNally, Moore, Phillips, Pomnichowski, Sands, Smith F, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 26

Nays: Ankney, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Jones, Kary, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Vance, Welborn, Mr.President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the President be authorized to appoint a Conference Committee on **SB 94** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/18/2017

Senator K. Regier, Chair
Senator Blasdel
Senator Caferro

Majority Leader Thomas moved that **SB 359**, on the next second reading agenda, be passed for the day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 294 - Senator Connell moved consideration of **SB 294** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 184 - **Governor's Amendments** - Senator Moore moved Governor's amendments to **SB 184** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248 - **House Amendments** - Senator Blasdel moved House amendments to **SB 248** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Cohenour, Gross, MacDonald, McNally.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 - **House Amendments** - Senator Salomon moved House amendments to **SB 317** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 39

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Whitford.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - Senator Vincent moved consideration of **SB 363** be passed for the day. Without objection, so ordered.

HB 110 - Senator Cohenour moved **HB 110** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Fielder, Kary, Lang, Regier, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 638 - Senator Caferro moved **HB 638** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 41

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Keenan, Regier, Vance, Vincent, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 511 - Senator Thomas moved **HB 511** be concurred in.

HB 511 - Senator Blasdel moved **HB 511**, second reading copy, be amended as follows:

1. Page 26, line 19.
Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If Senate Bill No. 317 is not passed and approved, then [this act] is void."
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Cohenour, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 511 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F,

Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Fielder, Hinebauch, Hinkle, Howard, Kary, Lang, Pomnichowski, Regier, Smith C, Swandal, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 558 - Senator Thomas moved **HB 558** be concurred in.

HB 558 - Senator Blasdel moved **HB 558**, second reading copy, be amended as follows:

1. Title, page 1, line 4 through line 6.
Strike: the second "REVISING" on page 1, line 4 through "REVALUATION;" on line 6
Insert: "ALLOWING FOR AN INCREASE OF THE ABATEMENT FOR NEW OR EXPANDING INDUSTRY; REPEALING THE TERMINATION DATE FOR THE EXEMPTION FOR CERTAIN AIR AND WATER POLLUTION CONTROL AND CARBON CAPTURE EQUIPMENT AND FOR THE REDUCTION IN VALUE FOR CARBON TRANSPORTATION AND SEQUESTRATION EQUIPMENT;"

2. Title, page 1, line 6 through line 7.
Strike: "SECTIONS" on page 1, line 6 through "15-6-134" on line 7
Insert: "SECTION 15-24-1402"

3. Title, page 1, line 7.
Following: "MCA;"
Insert: "REPEALING SECTIONS 4 AND 7, CHAPTER 407, LAWS OF 2015;"
Strike: "IMMEDIATE" through "RETROACTIVE"

4. Page 1, line 12 through page 3, line 14.
Strike: section 1 through section 4 in their entirety
Insert: "Section 1. Section 15-24-1402, MCA, is amended to read:

"15-24-1402. New or expanding industry -- assessment -- notification. (1) In the first 5 years after a construction permit is issued, qualifying improvements or modernized processes that represent new industry or expansion of an existing industry, as designated in the approving resolution, must be taxed at ~~50%~~ 25% or 50% of their taxable value. Subject to 15-10-420, each year thereafter, the percentage must be increased by equal percentages until the full taxable value is attained in the 10th year. In subsequent years, the property must be taxed at 100% of its taxable value.

(2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the

taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The governing body of the affected county or the incorporated city or town must have approved by separate resolution for each project, following due notice as provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town and a public hearing, the use of the schedule provided for in subsection (1) for its respective jurisdiction. The governing body may not grant approval for the project until all of the applicant's taxes have been paid in full. Taxes paid under protest do not preclude approval.

(b) The governing body shall:

(i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax treatment provided for in this section; and

(ii) conduct a public hearing regarding an application for the tax treatment provided for in this section and deny or approve it within 120 days of receiving the application as provided in subsection (2)(b)(i).

(c) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination.

(d) Subject to 15-10-420, the governing body may end the tax benefits by majority vote ~~at any time, but the tax benefits may not be denied an industrial facility that previously qualified for the benefits~~ <u>if the conditions of the resolution, provided for in subsection (2)(a), are not met</u>.

(e) The resolution provided for in subsection (2)(a) must include a definition of the improvements or modernized processes that qualify for the tax treatment that is to be allowed in the taxing jurisdiction. The resolution may provide that real property other than land, personal property, improvements, or any combination thereof is eligible for the tax benefits described in subsection (1).

(f) Property taxes abated from the reduction in taxable value allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of 15-24-1401, this section, or the resolution required by subsections (2)(a) and (2)(e) of this section. The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer.

(3) The taxpayer shall apply to the department for the tax treatment allowed under subsection (1). The application by the taxpayer must first be approved by the governing body of the appropriate local taxing jurisdiction, and the governing body shall indicate in its approval that the property of the applicant qualifies for the tax treatment provided for in this section. Upon receipt of the form with the approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change pursuant to this section.

(4) The tax benefit described in subsection (1) applies only to the number of mills levied and assessed for local high school district and elementary school district purposes and to the number of mills levied and assessed by the governing body approving the benefit over which

the governing body has sole discretion. The benefit described in subsection (1) may not apply to levies or assessments required under Title 15, chapter 10, 20-9-331, 20-9-333, or 20-9-360 or otherwise required under state law.

(5) Prior to approving the resolution under this section, the governing body shall notify by certified mail all taxing jurisdictions affected by the tax benefit.""

Insert: "NEW SECTION. **Section 2. Repealer.** Sections 4 and 7, Chapter 407, Laws of 2015, are repealed."

Insert: "NEW SECTION. **Section 3. Applicability.** [Section 1] applies to new or expanding industry tax abatements granted on or after [the effective date of this act]."

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 38

Nays: Barrett, Boland, Cohenour, Hinebauch, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Smith F.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 558 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 38

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Smith F.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 193 - Senator Wolken moved **HB 193** be concurred in.

HB 193 - Senator Connell moved **HB 193**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "AN"
Insert: "A CONTINGENT"

2. Page 1, line 25.
Strike: section 2 in its entirety
Insert: "NEW SECTION. **Section 2. Effective date -- contingency.** (1) [This act] is effective upon the abrogation of a settlement agreement between the Montana department of public service regulation, Montana public service commission, the Montana consumer counsel, and a utility operating in Montana that has restructured in accordance with Title 69, chapter 8, and orders implementing the stipulation and settlement agreement.
(2) The public service commission shall transmit a copy of the abrogation to the code commissioner."

Amendment **not adopted** as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Kary, Lang, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Swandal, Vance, Vincent, Webb, Welborn, Mr.President.
Total 21

Nays: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Sands, Smith C, Smith F, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 193 - Thereupon, the Senate reverted to the original motion of Senator Wolken which passed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Howard, Jones, Keenan, MacDonald, Malek, McNally, Moore, Phillips, Pomnichowski, Sands, Smith C, Smith F, Tempel, Thomas, Vincent, Vuckovich, Wolken, Mr.President.
Total 27

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hoven, Kary, Lang,

McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Swandal, Vance, Webb, Welborn, Whitford.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Buttrey assumed the chair.

SB 294 - **Conference Committee Report No. 2** - Senator Fitzpatrick moved the Conference Committee report to **SB 294** be adopted. Motion carried as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Nays: Ankney, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 43

Nays: Brown, Kary, Keenan, Olszewski, Vance, Webb, Mr.President.

Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 111**
Report No. 001, April 13, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 111** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 111** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.
Following: "~~EXEMPTION;~~"
Insert: "PROVIDING AN EXEMPTION;"

2. Page 1, line 10.
Following: "~~-- EXEMPTION~~"
Insert: "-- exemption"

3. Page 1, line 11.
Strike: "A"
Insert: "Except as provided in subsection (2), a"

4. Page 1.
Following: line 22
Insert: "A person may provide supplemental feed to wild turkeys unless the department finds that supplemental feed harms the local population of wild turkeys or creates a public nuisance as defined in 45-8-111."
Renumber: subsequent subsections

For the Senate:

K. Regier, Chair
Fielder
Phillips

For the House:

Z. Brown, Vice Chair
Flynn
M. Regier

MOTIONS

Majority Leader Thomas moved that **HB 308** and **HB 391** be taken from the second reading board and placed on second reading this date. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 308 - Senator Malek moved **HB 308** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Tempel, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 391 - Senator Buttrey moved **HB 391** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Blasdel, Connell, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Blasdel, Keenan, Vance, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Thomas moved the President be authorized to appoint a **Free** Conference Committee on **SB 248** and request the House to appoint a like committee. Without objection, so ordered.
President Sales appointed: 4/18/2017

Senator Blasdel, Chair
Senator Caferro
Senator Fitzpatrick

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 10:00 a.m., Wednesday, April 19, 2017, the eightieth legislative day. Motion carried.

Senate adjourned at 5:03 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 19, 2017 — State Capitol

Senate convened at 10:00 a.m. President Sales presiding. Invocation by Senator Whitford. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Gross and Olszewski excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/19/2017
Correctly printed: **SR 67**, **HB 17**, **HB 110**, **HB 193**, **HB 261**, **HB 308**, **HB 391**, **HB 597**, **HB 638**, **HB 644**.
Correctly engrossed: **SR 64**, **HB 261**, **HB 511**, **HB 558**.
Correctly enrolled: **SB 21**, **SB 245**, **SB 315**, **SB 352**, **SR 62**.
Transmitted to the House: **HB 17**, **HB 110**, **HB 193**, **HB 261**, **HB 308**, **HB 391**, **HB 511**, **HB 558**, **HB 597**, **HB 638**, **HB 644**.
Signed by the President at 2:20 p.m., April 19, 2017: **SB 25**, **SB 29**, **SB 197**, **SB 241**, **SB 299**, **SB 344**, **SR 39**, **SR 45**, **SR 51**, **SR 58**, **SR 63**, **SR 66**.
Signed by the Secretary of the Senate at 2:53 p.m., April 19, 2017: **SB 25**, **SB 29**, **SB 197**, **SB 241**, **SB 299**, **SB 344**, **SR 39**, **SR 45**, **SR 51**, **SR 58**, **SR 63**, **SR 66**.
Signed by the Speaker at 8:45 a.m., April 19, 2017: **SB 44**.
Delivered to the Governor at 9:36 a.m., April 19, 2017: **SB 44**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/19/2017
HB 17, be concurred in.
HB 261, be amended as follows:

1. Page 1.
Following: line 12
"NEW SECTION. **Section 2. Contingent voidness.** (1) If the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2017 are less than $2,213,000,000, the statutory appropriation in 22-1-327 for fiscal year 2018 is void.
(2) If the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2018 are less than $2,360,000,000, the statutory appropriation in 22-1-327 for fiscal year 2019 is void."
Renumber: subsequent sections

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 4/18/2017
SR 64, introduced resolution, be amended as follows:

1. Title, line 5.
Strike: "APPOINTMENTS"
Insert: "APPOINTMENT"

2. Page 1, line 8.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 9.
Strike: "have"
Insert: "has"

4. Page 1, line 10.
Strike: "members"
Insert: "a member"

5. Page 1, line 11.
Strike: line 11 in its entirety

6. Page 1, line 13.
Strike: line 13 in its entirety

7. Page 1, line 14.
Strike: line 14 in its entirety

8. Page 1, line 18.
Strike: "appointments"
Insert: "appointment"

And, as amended, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 13, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, April 13, 2017, I signed the following bills:

SB 135 - E. McClafferty
SB 180 - M. Lang
SB 231 - R. Webb
SB 275 - E. Buttrey

Sincerely,

STEVE BULLOCK
Governor

April 14, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, April 14, 2017, I signed the following bill:

SB 60 - C. Wolken

I am also returning **Senate Bill 184** - F. Moore, with amendments.

I have vetoed **Senate Bill 7** - P. Connell.

Sincerely,

STEVE BULLOCK
Governor

April 18, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Tuesday, April 18, 2017, I signed the following bill:

SB 139 - D. Ankney

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/18/2017

SB 333, introduced by M. Caferro
SB 366, introduced by J. Cohenour

House bills passed and transmitted to the Senate for concurrence: 4/18/2017

HB 661, introduced by N. Ballance
HB 664, introduced by K. Dudik

House joint resolutions passed and transmitted to the Senate for concurrence: 4/18/2017

HJ 16, introduced by S. Morigeau
HJ 17, introduced by J. Windy Boy
HJ 18, introduced by A. Hertz
HJ 20, introduced by K. Kelker
HJ 22, introduced by J. Essmann
HJ 24, introduced by J. Hamilton
HJ 25, introduced by A. Hertz
HJ 28, introduced by L. Bishop
HJ 29, introduced by K. Kelker
HJ 30, introduced by D. Mortensen

SB 94 - The House acceded to the request of the Senate and authorized the Speaker to appoint

the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 94:** 4/18/2017

Representative Abbott
Representative G. Hertz
Representative Noland

HB 123 - The House failed to concur in Senate amendments to **HB 123,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 123:** 4/18/2017

Representative Curtis
Representative G. Hertz
Representative Mandeville

HB 462 - The House failed to concur in Senate amendments to **HB 462,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 462:** 4/18/2017

Representative Garner
Representative D. Jones
Representative McCarthy

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 661, introduced by N. Ballance, referred to Agriculture, Livestock and Irrigation.
HB 664, introduced by K. Dudik, referred to Judiciary.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 16, introduced by S. Morigeau, B. Bennett, Z. Brown, V. Court, W. Curdy, A. Curtis, K. Dudik, M. Dunwell, J. Eck, D. Fern, J. Fleming, F. Garner, J. Hamilton, B. Hamlett, J. Karjala, K. Kelker, G. Kipp, R. Lynch, K. McCarthy, A. Olsen, J. Patelis, R. Peppers, M. Ryan, S. Stewart-Peregoy, K. Swanson, T. Woods, Bishop, Ellis, and McConnell, referred to Public Health, Welfare and Safety.
HJ 17, introduced by J. Windy Boy, M. Caferro, J. Karjala, A. Olszewski, J. Price, referred to Public Health, Welfare and Safety.
HJ 18, introduced by A. Hertz, D. Fern, referred to Local Government.
HJ 20, introduced by K. Kelker, referred to Public Health, Welfare and Safety.
HJ 22, introduced by J. Essmann, referred to Taxation.
HJ 24, introduced by J. Hamilton, Sands, referred to Public Health, Welfare and Safety.
HJ 25, introduced by A. Hertz, A. Curtis, referred to Local Government.

HJ 28, introduced by L. Bishop, N. McConnell, D. Skees, D. Zolnikov, referred to Energy and Telecommunications.
HJ 29, introduced by K. Kelker, referred to Judiciary.
HJ 30, introduced by D. Mortensen, D. Bartel, B. Beard, B. Bennett, B. Brown, Z. Brown, E. Buttrey, G. Custer, W. Galt, B. Hamlett, B. Harris, G. Hertz, S. Hinebauch, K. Holmlund, J. O'Hara, A. Redfield, T. Richmond, W. Sales, S. Staffanson, N. Swandal, B. Usher, P. Webb, R. Webb, D. Zolnikov, referred to Agriculture, Livestock and Irrigation.

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 123**. Without objection, so ordered. President Sales appointed Senator C. Smith, chair, and Senators Caferro and Howard.

Majority Leader Thomas moved the Senate reconsider its action on **HB 511**, amended on second reading the previous legislative day, and place **HB 511** on second reading this date.
Without objection, so ordered.

Senator Gross present at this time.

Majority Leader Thomas moved the Senate **suspend rule S50-190**, third reading procedure, to allow bills considered on second reading to be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olszewski.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this date. Motion carried. Senate recessed at 10:10 a.m.

Senate reconvened at 1:00 p.m. Fifty members present. President Sales presiding.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 94**
Report No. 001, April 19, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 94** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 94** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Strike: "PROVIDING" through "INCOME;"

2. Page 1, line 24.
Strike: "200%"
Insert: "150%"

3. Page 1, line 25 through line 26.
Strike: "OR" on line 25 through "(3)" on line 26

4. Page 2, line 2 through page 2, line 17.
Strike: subsection (3) in its entirety
Insert: "(3) Subject to subsection (6), if the total appraised value of the land is greater than 150% of the appraised value of the primary residence and improvements situated on the land, then the land is valued at 150% of the appraised value of the primary residence and improvements situated on the land, subject to the minimum equalization of value requirement in subsection (4), and the remainder of the land value is exempt from taxation."

5. Page 2, line 27 through line 29.
Strike: "A TAXPAYER" on line 27 through "PART 3." on line 29

6. Page 3, line 2.
Strike: "AND"

7. Page 3, line 5.
Following: "(II)"
Insert: "an affirmation that the land has been owned by the applicant or a family member of the

applicant within the third degree of consanguinity for at least 30 consecutive years; and (iii)"

8. Page 3, line 15 through line 17.
Strike: subsection (A) in its entirety
Renumber: subsequent subsections

9. Page 3, line 23.
Strike: "(7)(B)(I)"
Insert: "(7)(b)(i)"

10. Page 3, line 29 through page 4, line 1.
Strike: subsection (c) through subsection (d) in their entirety
Renumber: subsequent subsections

For the Senate:

K. Regier, Chair
Blasdel
Caferro

For the House:

G. Hertz, Vice Chair
Abbott
Noland

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 64 - Senator Fielder moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 64**.

SR 64 - Senator Facey moved **SR 64**, second reading copy, be amended as follows:

1. Title, line 5.
Strike: "APPOINTMENT"
Insert: "APPOINTMENTS"

2. Page 1, line 9.
Strike: "APPOINTMENT"
Insert: "appointments"

3. Page 1, line 10.

Strike: "HAS"
Insert: "have"

4. Page 1, line 11.
Strike: "A MEMBER"
Insert: "members"

5. Page 1, line 13.
Following: line 12
Insert: "Logan Brower, Scobey, Montana, appointed to a term ending January 1, 2019."

6. Page 1, line 19.
Strike: "APPOINTMENT"
Insert: "appointments"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 64 - Resolution, as amended, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - **Conference Committee Report No. 1** - Senator K. Regier moved the Conference Committee report to **SB 111** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333 - **House Amendments** - Senator Caferro moved House amendments to **SB 333** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Regier.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 363 - **House Amendments** - Senator Vincent moved House amendments to **SB 363** be **not**

concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Brown, Lang, Regier, Richmond.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 - **House Amendments** - Senator Cohenour moved House amendments to **SB 366** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 42

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Olszewski, Regier, Smith C, Webb.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 17 - Senator Caferro moved **HB 17** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Brown, Hinebauch, Vance, Vincent, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 261 - Senator Welborn moved **HB 261** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Vance, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 511 - Senator Thomas moved **HB 511** be concurred in.

HB 511 - Senator Thomas moved **HB 511**, second reading copy, be amended as follows:

1. Page 26, line 20 through line 21.
Strike: section 15 in its entirety
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.
Total 34

Nays: Blasdel, Brown, Fielder, Hinkle, Howard, Kary, Keenan, Olszewski, Regier, Salomon, Smith C, Swandal, Vance, Webb, Welborn, Mr.President.

Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 511 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Pomnichowski, Regier, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Kary, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/19/2017
SR 67, be adopted.

Without objection, committee report was adopted.

MOTIONS

Senator Wolken moved the Senate reconsider its action on **HB 46**, indefinitely postponed on legislative day seventy-eight, and place it on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.
Total 23

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved that **SR 67** be placed on second reading this date. Without objection, so ordered.

Majority Leader Thomas moved the President be authorized to appoint a Free Conference Committee, and request the House appoint a like committee, to confer on **SB 366**. Without objection, so ordered. President Sales appointed Senator Brown, chair, and Senators Cohenour and Osmundson.

Majority Leader Thomas moved the President be authorized to appoint a Conference Committee, and request the House appoint a like committee, to confer on **SB 333**. Without objection, so ordered. President Sales appointed Senator Blasdel, chair, and Senators Caferro and Hoven.

Majority Leader Thomas moved the President be authorized to appoint a Free Conference Committee, and request the House appoint a like committee, to confer on **SB 363**. Without objection, so ordered. President Sales appointed Senator Vincent, chair, and Senators Olszewski and Phillips.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 462**. Without objection, so ordered. President Sales appointed Senator Brown, chair, and Senators Blasdel and Wolken.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 67 - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 67**. Resolution was adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 63, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 64, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 47

Nays: Smith C, Vance, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 73, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Gross, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 90, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 119, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 41

Nays: Barrett, Boland, Gross, MacDonald, Malek, Pomnichowski, Smith F, Vuckovich, Whitford.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294, **Free Conference Committee Report No. 2**, adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 110 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Fielder, Hinebauch, Kary, Regier, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 193 concurred in as follows:

Yeas: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinebauch, Hinkle, Hoven, Howard, Keenan, MacDonald, Malek, McNally, Moore, Olszewski, Phillips, Pomnichowski, Sands, Smith F, Swandal, Thomas, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 29

Nays: Ankney, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Jones, Kary, Lang, McClafferty, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Vance, Webb, Welborn.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 308 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Tempel, Vance, Vincent, Webb, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 391 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.

Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 558 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Wolken, Mr.President.
Total 37

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 597 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Keenan, Lang.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 638 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 45

Nays: Fielder, Keenan, Regier, Vance, Mr.President.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 644 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Regier.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel,

Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 45

Nays: Caferro, Keenan, Malek, Whitford, Wolken.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 17 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 46

Nays: Brown, Vance, Vincent, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 261 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 48

Nays: Vance, Mr.President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 511 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.
Total 32

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Pomnichowski, Regier, Salomon, Smith C, Swandal, Vance, Webb, Welborn, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senators Mary Caferro and Tom Facey made their farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 10:30 a.m., Thursday, April 20, 2017, the eighty-first legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 20, 2017 — State Capitol

Senate convened at 10:30 a.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/20/2017
Correctly printed: **SR 68**, **HB 376**, **HB 661**, **HJ 16**, **HJ 17**, **HJ 20**, **HJ 24**.
Correctly engrossed: **HB 134**, **HJ 29**.
Correctly enrolled: **SB 73**, **SB 90**, **SB 119**, **SB 154**, **SB 317**, **SB 329**, **SR 64**, **SR 67**.
Examined by the sponsor and found to be correct: **SB 21**, **SB 73**, **SB 119**, **SB 245**, **SB 315**, **SB 317**, **SB 352**, **SR 62**, **SR 67**.
Signed by the President at 9:41 a.m., April 20, 2017: **SR 3**, **SR 20**, **SR 21**, **SR 43**, **SR 44**, **SR 59**, **SR 60**, **SR 61**, **SR 65**.
Signed by the President at 9:42 a.m., April 20, 2017: **SB 27**, **SB 227**, **SB 307**, **SJ 13**, **SJ 18**.
Signed by the President at 9:45 a.m., April 20, 2017: **SB 42**, **SB 92**, **SB 120**, **SB 126**.
Signed by the Secretary of the Senate at 9:55 a.m., April 20, 2017: **SB 27**, **SB 42**, **SB 92**, **SB 120**, **SB 126**, **SB 227**, **SB 307**, **SR 3**, **SR 20**, **SR 21**, **SR 43**, **SR 44**, **SR 59**, **SR 60**, **SR 61**, **SR 65, SJ 13**, **SJ 18**.
Signed by the President at 3:30 p.m., April 20, 2017: **SB 281**, **SB 314**.
Signed by the Secretary of the Senate at 3:35 p.m., April 20, 2017: **SB 281**, **SB 314**.
Signed by the Speaker at 4:45 p.m., April 20, 2017: **SB 281**, **SB 314**.
Delivered to the Governor at 4:58 p.m., April 20, 2017: **SB 281**, **SB 314**.
Delivered to the Secretary of State at 9:03 a.m., April 20, 2017: **SR 39**, **SR 45**, **SR 51**, **SR 58**, **SR 63**, **SR 66**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/20/2017
HB 661, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/19/2017
HJ 16, be concurred in.
HJ 17, be concurred in.
HJ 20, be concurred in.
HJ 24, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/19/2017

SB 154, introduced by M. Lang

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/19/2017

SB 55, introduced by D. Salomon
SB 57, introduced by M. Blasdel
SB 95, introduced by L. Jones
SB 187, introduced by J. Cohenour
SB 261, introduced by L. Jones
SB 285, introduced by M. Lang
SB 345, introduced by C. Smith
SB 362, introduced by E. Buttrey

Senate bill returned after the deadline for General Bills. Joint rule 40-200 requires a 2/3 vote of the Senate before the bill can be considered.

SB 124, introduced by McClafferty

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 68, introduced by D. Brown, referred to State Administration.

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 133**. Without objection, so ordered. President Sales appointed Senator Regier, chair, and Senators Fielder and Gross.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 387**. Without objection, so ordered. President Sales appointed Senator Thomas, chair, and Senators Caferro and Olszewski.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 434**. Without objection, so ordered. President Sales appointed Senator Hinkle, chair, and Senators Phillips and Welborn.

Senator Thomas moved that **HB 376** be taken from the Education and Cultural Resources Committee and placed on second reading this date. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Small, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 26

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. Motion carried. Senate recessed at 10:50 a.m.

Senate reconvened at 1:03 p.m., President Sales presiding. Forty-eight members present, Senators Caferro and Richmond excused.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/20/2017
HB 134, be amended as follows:

1. Title, page 1, line 6 through line 21.
Strike: "REPURPOSING" on line 6 through "DATE" on line 21
Insert: "REVISING THE DISTRIBUTION OF EXCESS OIL AND NATURAL GAS REVENUE; AMENDING SECTIONS 17-7-502, 20-9-310, and 20-9-520, MCA; REPEALING SECTIONS 20-9-517 and 20-9-518, MCA; AND PROVIDING EFFECTIVE DATES"

2. Page 1.
Following: line 23
Strike: everything after the enacting clause
Insert: "Section 1. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; ~~20-9-517;~~ 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116

and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)""

Insert: "Section 2. Section 20-9-310, MCA, is amended to read:

"20-9-310. (Temporary) Oil and natural gas production taxes for school districts -- allocation and limits. (1) Except as provided in subsection ~~(6)~~ (5), the maximum amount of oil and natural gas production taxes that a school district may retain is 130% of the school district's maximum budget, determined in accordance with 20-9-308.

(2) Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list reporting the maximum general fund budget for each school district.

(3) The department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (1) of this section. The department of revenue shall deposit any amount exceeding the limitation in subsection (1) in the ~~state school oil and natural gas distribution account provided for in 20-9-520~~ guarantee account provided for in 20-9-622.

~~(4) (a) By the last day of the month immediately following the month in which the quarterly distribution of oil and natural gas production taxes in subsection (3) is made, the office of public instruction shall distribute any amount of oil and natural gas production taxes exceeding the limitation in subsection (1) based on allocations determined by the department of revenue pursuant to subsection (3) to school districts that are directly impacted by oil and natural gas development, but that receive insufficient oil and natural gas revenue to address the oil and natural gas development impacts. The office of public instruction shall adopt administrative rules to establish a process, criteria, and a mechanism for distribution under this subsection (4), using the negotiated rulemaking process set forth in the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1.~~

~~(b) In developing administrative rules, the office of public instruction shall establish two independent negotiated rulemaking committees to consider issues for the purpose of reaching a consensus to develop proposed rules for the distribution of the funds under this subsection (4).~~

~~(c) The members of the first negotiated rulemaking committee appointed by the office of public instruction must include public school officials and public school employees from school districts that are located in or are immediately adjacent to a county in which oil and natural gas production taxes are generated and professional organizations representing these public school officials and employees. This committee shall transmit proposed rules regarding distribution of 50% of the funds available under this subsection (4) in accordance with 2-5-108.~~

~~(d) The members of the second negotiated rulemaking committee appointed by the office of public instruction must include public school officials and public school employees from school districts around the state and professional organizations representing these public school officials and employees. This committee shall transmit proposed rules regarding the distribution of the remaining 50% of the funds available under this subsection (4) in accordance with 2-5-108.~~

~~(5)~~(4) (a) Subject to the limitation in subsection (1) and the conditions in subsection ~~(5)(b)~~ (4)(b), the trustees shall budget and allocate the oil and natural gas production taxes anticipated by the district in any budgeted fund at the discretion of the trustees. Oil and natural gas production taxes allocated to the district general fund may be applied to the BASE or over-BASE portions of

the general fund budget at the discretion of the trustees.

(b) Except as provided in subsection ~~(5)(c)~~ (4)(c), if the trustees apply an amount less than 12.5% of the total oil and natural gas production taxes received by the district in the prior school fiscal year to the district's general fund BASE budget for the upcoming school fiscal year, then:

(i) the trustees shall levy the number of mills required to raise an amount equal to the difference between 12.5% of the oil and natural gas production taxes received by the district in the prior school fiscal year and the amount of oil and natural gas production taxes the trustees budget in the district's general fund BASE budget for the upcoming school fiscal year;

(ii) the mills levied under subsection ~~(5)(b)(i)~~ (4)(b)(i) are not eligible for the guaranteed tax base subsidy under the provisions of 20-9-366 through 20-9-369; and

(iii) the general fund BASE budget levy requirement calculated in 20-9-141 must be calculated as though the trustees budgeted 12.5% of the oil and natural gas production taxes received by the district in the prior year and the number of mills calculated in subsection ~~(5)(b)(i)~~ (4)(b)(i) must be added to the number of mills calculated in 20-9-141(2).

(c) The provisions of subsection ~~(5)(b)~~ (4)(b) do not apply to the following:

(i) a district that has a maximum general fund budget of less than $1 million;

(ii) a district whose oil and natural gas revenue combined with its adopted general fund budget totals 105% or less of its maximum general fund budget;

(iii) a district that has a maximum general fund budget of $1 million or more and has had an unusual enrollment increase approved by the superintendent of public instruction as provided in 20-9-314 in the year immediately preceding the fiscal year to which the provisions of this subsection ~~(5)~~(4) would otherwise apply; or

(iv) a district that has issued outstanding oil and natural gas revenue bonds. Funds received pursuant to this section must first be applied by the district to payment of debt service obligations for oil and natural gas revenue bonds for the next 12-month period.

~~(6)~~(5) The limit on oil and natural gas production taxes that a school district may retain under subsection (1) must be increased for any school district with an unusual enrollment increase approved by the superintendent of public instruction as provided in 20-9-314. The increase in the limit on oil and natural gas production taxes that a school district may retain under subsection (1) applies in the year immediately following the fiscal year in which the office of public instruction has approved the district's unusual enrollment increase and must be calculated by multiplying $45,000 times each additional ANB approved by the superintendent of public instruction as provided in 20-9-314.

~~(7)~~(6) In any year in which the actual oil and natural gas production taxes received by a school district are less than 50% of the total oil and natural gas production taxes received by the district in the prior year, the district may transfer money from any budgeted fund to its general fund in an amount not to exceed the amount of the shortfall. (Terminates June 30, 2019--sec. 7, Ch. 433, L. 2015.)

20-9-310. (Effective July 1, 2019) Oil and natural gas production taxes for school districts -- allocation and limits. (1) Except as provided in subsection (6), the maximum amount of oil and natural gas production taxes that a school district may retain is 130% of the school district's maximum budget, determined in accordance with 20-9-308.

(2) Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list reporting the

maximum general fund budget for each school district.

(3) (a) The department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (1) of this section.

(b) The department of revenue shall deposit any amount exceeding the limitation in subsection (1) ~~in the state school oil and natural gas distribution account provided for in 20-9-520~~ up to $5 million in the school facility and technology account provided for in 20-9-516.

(c) After $5 million has been deposited in the school facility and technology account, the department of revenue shall deposit any amount exceeding the limitation in subsection (1) in the state school oil and natural gas distribution account provided for in 20-9-520.

~~(4) By the last day of the month immediately following the month in which the quarterly distribution of oil and natural gas production taxes in subsection (3) is made, the office of public instruction shall distribute any amount of oil and natural gas production taxes exceeding the limitation in subsection (1) based on allocations determined by the department of revenue pursuant to subsection (3) as follows:~~

~~(a) 70% of the retained amount must be deposited in the guarantee account provided for in 20-9-622;~~

~~(b) 5% of the retained amount must be deposited in the state school oil and natural gas impact account provided for in 20-9-517; and~~

~~(c) 25% of the retained amount must be distributed to the counties in proportion to a county's oil and natural gas production taxes for the preceding 3 years compared to the total of all counties' oil and natural gas production taxes for the preceding 3 years. Funds distributed must be deposited in a county's county school oil and natural gas impact fund provided for in 20-9-518.~~

(4) (a) By the last day of the month immediately following the month in which the deposit of oil and natural gas production taxes pursuant to subsection (3)(c) is made, the office of public instruction shall distribute any amount of oil and natural gas production taxes exceeding the limitation in subsection (1) based on allocations determined by the department of revenue pursuant to subsection (3)(c) to school districts that are directly impacted by oil and natural gas development but that receive insufficient oil and natural gas revenue to address the oil and natural gas development impacts. The office of public instruction shall adopt administrative rules to establish a process, criteria, and a mechanism for distribution under this subsection (4), using the negotiated rulemaking process set forth in the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1.

(b) In developing administrative rules, the office of public instruction shall establish two independent negotiated rulemaking committees to consider issues for the purpose of reaching a consensus to develop proposed rules for the distribution of the funds under this subsection (4).

(c) The members of the first negotiated rulemaking committee appointed by the office of public instruction must include public school officials and public school employees from school districts that are located in or are immediately adjacent to a county in which oil and natural gas production taxes are generated and professional organizations representing these public school officials and employees. This committee shall transmit proposed rules regarding distribution of 50% of the funds available under this subsection (4) in accordance with 2-5-108.

(d) The members of the second negotiated rulemaking committee appointed by the office of public instruction must include public school officials and public school employees from school districts around the state and professional organizations representing these public school officials and employees. This committee shall transmit proposed rules regarding the distribution of the

remaining 50% of the funds available under this subsection (4) in accordance with 2-5-108.

(e) For the purposes of this subsection (4), the office of public instruction may use administrative rules adopted for the purposes of Chapter 433, Laws of 2015.

(5) (a) Subject to the limitation in subsection (1) and the conditions in subsection (5)(b), the trustees shall budget and allocate the oil and natural gas production taxes anticipated by the district in any budgeted fund at the discretion of the trustees. Oil and natural gas production taxes allocated to the district general fund may be applied to the BASE or over-BASE portions of the general fund budget at the discretion of the trustees.

(b) Except as provided in subsection (5)(c), if the trustees apply an amount less than 12.5% of the total oil and natural gas production taxes received by the district in the prior school fiscal year to the district's general fund BASE budget for the upcoming school fiscal year, then:

(i) the trustees shall levy the number of mills required to raise an amount equal to the difference between 12.5% of the oil and natural gas production taxes received by the district in the prior school fiscal year and the amount of oil and natural gas production taxes the trustees budget in the district's general fund BASE budget for the upcoming school fiscal year;

(ii) the mills levied under subsection (5)(b)(i) are not eligible for the guaranteed tax base subsidy under the provisions of 20-9-366 through 20-9-369; and

(iii) the general fund BASE budget levy requirement calculated in 20-9-141 must be calculated as though the trustees budgeted 12.5% of the oil and natural gas production taxes received by the district in the prior year and the number of mills calculated in subsection (5)(b)(i) must be added to the number of mills calculated in 20-9-141(2).

(c) The provisions of subsection (5)(b) do not apply to the following:

(i) a district that has a maximum general fund budget of less than $1 million;

(ii) a district whose oil and natural gas revenue combined with its adopted general fund budget totals 105% or less of its maximum general fund budget;

(iii) a district that has a maximum general fund budget of $1 million or more and has had an unusual enrollment increase approved by the superintendent of public instruction as provided in 20-9-314 in the year immediately preceding the fiscal year to which the provisions of this subsection (5) would otherwise apply; or

(iv) a district that has issued outstanding oil and natural gas revenue bonds. Funds received pursuant to this section must first be applied by the district to payment of debt service obligations for oil and natural gas revenue bonds for the next 12-month period.

(6) The limit on oil and natural gas production taxes that a school district may retain under subsection (1) must be increased for any school district with an unusual enrollment increase approved by the superintendent of public instruction as provided in 20-9-314. The increase in the limit on oil and natural gas production taxes that a school district may retain under subsection (1) applies in the year immediately following the fiscal year in which the office of public instruction has approved the district's unusual enrollment increase and must be calculated by multiplying $45,000 times each additional ANB approved by the superintendent of public instruction as provided in 20-9-314.

(7) In any year in which the actual oil and natural gas production taxes received by a school district are less than 50% of the total oil and natural gas production taxes received by the district in the prior year, the district may transfer money from any budgeted fund to its general fund in an amount not to exceed the amount of the shortfall.""

Insert: "Section 3. Section 20-9-520, MCA, is amended to read:

"20-9-520. State school oil and natural gas distribution account. (1) There is a state school oil and natural gas distribution account in the state special revenue fund provided for in 17-2-102. The purpose of the account is for distribution of the oil and natural gas production revenue~~ exceeding the limitation in 20-9-310(1)~~ in accordance with 20-9-310~~(4)~~. The funds deposited in this account for distribution to school districts ~~and counties~~ under 20-9-310~~(4)~~ are statutorily appropriated as provided in 17-7-502.

(2) The department of revenue shall deposit in the account oil and natural gas production taxes ~~that exceed the limitations in~~ in accordance with 20-9-310.

(3) The superintendent of public instruction shall distribute the money from the account in accordance with 20-9-310~~(4)~~.""

Insert: "NEW SECTION. **Section 4. Repealer.** The following sections of the Montana Code Annotated are repealed:
20-9-517. State school oil and natural gas impact account.
20-9-518. County school oil and natural gas impact fund."

Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** (1) If House Bill No. 647 and [this act] are both passed and approved, then [sections 1, 6, 10, 11, 12, 20, and 27(2)] of House Bill No. 647 are void.

(2) If Senate Bill No. 307 and [this act] are both passed and approved, then [section 14] of Senate Bill No. 307 is void. The Legislature intends that this subsection (2) supersede [section 14] of Senate Bill No. 307."

Insert: "NEW SECTION. **Section 6. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2017.

(2) [Section 5] and this section are effective on passage and approval."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/20/2017
HJ 29, be amended as follows:

1. Page 2, line 3.
Following: "including"
Insert: "but not limited to"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

SB 333 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on

House amendments to **SB 333:** 4/20/2017

Representative Essmann
Representative A. Hertz
Representative Jacobson

SB 363 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 363:** 4/20/2017

Representative Z. Brown
Representative Cuffe
Representative Noland

SB 366 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 366:** 4/20/2017

Representative Brodehl
Representative Court
Representative Glimm

HB 462 - The House dissolved the Conference Committee on Senate amendments to **HB 462**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on Senate amendments to **HB 462:** 4/20/2017

Representative Garner
Representative D. Jones
Representative McCarthy

MOTIONS

Senator McClafferty moved the Senate **suspend joint rule 40-200** for the purpose of accepting the late transmittal of **SB 124** from the House. The motion requires a two-thirds vote. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 40

Nays: Brown, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Vance, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: Caferro, Richmond.
Total 2

Majority Leader Thomas moved the Senate accede to the request of the House and authorize the President to appoint a Free Conference Committee on **HB 462**. Without objection, so ordered. The President appointed Senator Brown, chair, and Senators Blasdel and Wolken.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 285 - Senator Lang moved consideration of **SB 285** be passed for the day. Without objection, so ordered.

SB 55 - **House Amendments** - Senator Salomon moved House amendments to **SB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 37

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Kary, Moore, Regier, Smith C, Vance, Welborn.
Total 11

Absent or not voting: None.
Total 0

Excused: Caferro, Richmond.
Total 2

HJ 20 - Senator Facey moved consideration of **HJ 20** be passed for the day. Without objection, so ordered.

Senators Caferro and Richmond present at this time.

SB 187 - **House Amendments** - Senator J. Cohenour moved House amendments to **SB 187** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 - **House Amendments** - Senator C. Smith moved House amendments to **SB 345** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 94 - **Conference Committee Report No. 1** - Senator K. Regier moved the Conference Committee report to **SB 94** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski,

Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 16 - Senator Gross moved **HJ 16** be concurred in. Motion carried as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Nays: Ankney, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 17 - Senator C. Smith moved **HJ 17** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Hinebauch, Howard, Keenan, Osmundson, Vance, Vincent, Mr.President.
Total 7

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HJ 24 - Senator Caferro moved **HJ 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 38

Nays: Blasdel, Brown, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Salomon, Vance, Vincent, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair R. Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved **SB 285** be returned to the second reading agenda. Without objection, so ordered.

Majority Leader Thomas moved that **SB 95**, **SB 124**, and **SB 261**, currently on the second reading board, be placed on second reading this date. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 376 - Majority Leader Thomas moved consideration of **HB 376** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 285 - **House Amendments** - Senator Lang moved House amendments to **SB 285** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 95 - **House Amendments** - Senator L. Jones moved House amendments to **SB 95** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 124 - **House Amendments** - Senator McClafferty moved House amendments to **SB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 261 - **House Amendments** - Senator L. Jones moved House amendments to **SB 261** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate authorize the President to appoint a **Free** Conference Committee on **SB 95** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/20/2017

Senator L. Jones, Chair
Senator Moore
Senator Sesso

Majority Leader Thomas moved the Senate authorize the President to appoint a **Free** Conference Committee on **SB 261** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/20/2017

Senator L. Jones, Chair
Senator Moore
Senator Sesso

SPECIAL ORDERS OF THE DAY

Senator Eric Moore made his farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 4:00 p.m. this day. Motion carried. Senate recessed at 1:54 p.m.

Senate reconvened at 4:00 p.m., President Sales, presiding. Senators Blasdel, Caferro, Hoven, and Whitford excused.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Brown, Chair): 4/20/2017
SR 68, be adopted.

Without objection, committee report was adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 462**
Report No. 001, April 20, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 462** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 462** (reference copy -- salmon) be amended as follows:

1. Page 1, line 10.
Following: "FLATHEAD"
Insert: "valley"

2. Page 1, line 11.
Following: "COMMUNITY COLLEGE"
Insert: "or Montana state university-Billings"
Following: "FLATHEAD"
Insert: "valley"

Following: "community college"
Insert: "or Montana state university-billings"

3. Page 1, line 12 through line 19.
Strike: ":" on line 12 through "(B) OPERATES" on line 19
Insert: "allows the licensee to brew and sell beer to wholesalers as provided in this section. The academic brewer license:

(a) does not allow for the sale of beer at retail and does not allow for the operation of a sample room as provided in 16-3-213;

(b) is limited to production of 10,000 barrels annually;

(c) allows for distribution only to wholesalers as provided in 16-3-214;

(d) is under the ownership of Flathead valley community college or Montana state university-Billings;

(e) is not subject to quotas under 16-4-105 or to the provisions of 16-3-306;

(f) may not offer gambling activities;

(g) is otherwise subject to laws applying to brewery licenses as provided in this code; and

(h) must operate"

4. Page 1, line 20.
Following: "college"
Insert: "or Montana state university-Billings"

5. Page 1, line 21.
Following: "FLATHEAD"
Insert: "valley"
Following: "community college"
Insert: "or Montana state university-billings"

6. Page 1, line 24.
Following: "FLATHEAD"
Insert: "valley"
Following: "COLLEGE"
Insert: "or Montana state university-Billings"

7. Page 1, line 25.
Following: "trustees"
Insert: "or the board of regents of higher education, as applicable"

8. Page 1, line 27 through line 28.
Following: "to be held"
Strike: remainder of line 27 through "to be provided" on line 28

9. Page 2, line 2 through line 7.
Strike: subsection (4) in its entirety

Renumber: subsequent subsections

For the Senate:	For the House:
D. Brown, Chair	Garner, Vice Chair
Blasdel	D. Jones
Wolken	McCarthy

MESSAGES FROM THE GOVERNOR

March 31, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, March 31, 2017, I signed the following bills:

SB 28 - C. Vincent
SB 62 - C. Wolken
SB 91 - J. Hinkle

I am returning **Senate Bill 189** - K. Regier, with amendments.

Sincerely,

STEVE BULLOCK
Governor

April 3, 2017
Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, April 3, 2017, I signed the following bill:

SB 79 - S. Fitzpatrick

I have vetoed **Senate Bill 264** - N. Swandal.

Sincerely,

STEVE BULLOCK
Governor

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJ 20 - Senator Gross moved **HJ 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Vuckovich, Webb, Welborn, Wolken.
Total 37

Nays: Brown, Fielder, Hinebauch, Keenan, Osmundson, Thomas, Vance, Vincent, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: Blasdel, Caferro, Hoven, Whitford.
Total 4

HB 661 - Senator Vance moved **HB 661** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Caferro, Hoven, Whitford.
Total 4

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Caferro, Hoven, Whitford.
Total 4

MOTIONS

Majority Leader Thomas moved that **SR 68** be placed on second reading this day. Without objection, so ordered.

Senators Blasdel and Hoven present at this time.

Majority Leader Thomas moved the Senate **suspend joint rule 40-50** to allow the Public Health, Welfare and Safety Committee to request a late committee bill draft for a resolution to study veteran community care. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier,

Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken.
Total 45

Nays: Pomnichowski, Swandal, Mr.President.
Total 3

Absent or not voting: None.
Total 0

Excused: Hoven, Whitford.
Total 2

Majority Leader Thomas moved the Senate **suspend S50-190**, the third reading rule, to allow all bills heard on second reading this date to be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: McNally, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: Hoven, Whitford.
Total 2

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/20/2017
SJ 31, do pass.

Without objection, committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/20/2017

HB 61, introduced by F. Garner
HB 70, introduced by J. Karjala
HB 77, introduced by R. Brodehl
HB 94, introduced by F. Garner
HB 141, introduced by R. Lynch
HB 144, introduced by Z. Brown
HB 205, introduced by A. Redfield
HB 219, introduced by Z. Brown
HB 224, introduced by T. Jacobson
HB 245, introduced by F. Mandeville
HB 283, introduced by T. Burnett
HB 303, introduced by K. Kelker
HB 368, introduced by W. Sales
HB 383, introduced by G. Custer
HB 458, introduced by K. Wagoner
HB 487, introduced by M. Funk
HB 507, introduced by F. Mandeville
HB 550, introduced by J. Essmann
HB 565, introduced by R. Cook
HB 583, introduced by K. White
HB 589, introduced by D. Lenz
HB 600, introduced by F. Garner
HB 604, introduced by B. Harris

Senate amendments to House joint resolution concurred in: 4/20/2017

HJ 9, introduced by K. White

SB 95 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 95:** 4/20/2017

Representative Ballance
Representative Brodehl
Representative Eck

SB 261 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 261:** 4/20/2017

Representative Ballance
Representative Brodehl
Representative Eck

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Caferro present at this time.

HB 376 - Majority Leader Thomas moved consideration of **HB 376** be passed for the day. Without objection, so ordered.

SR 68 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 68**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 48

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 661 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

HJ 20 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Wolken.
Total 42

Nays: Blasdel, Fielder, Hinebauch, Osmundson, Vance, Vincent, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 55, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Wolken.
Total 32

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 187, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 47

Nays: Fielder, Hinebauch.
Total 2

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 94, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier,

Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Wolken.
Total 15

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 124, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken.
Total 45

Nays: Hinebauch, Keenan, Olszewski, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 285, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

SB 345, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

HJ 16 failed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Wolken.
Total 24

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

HJ 17 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Wolken.
Total 42

Nays: Hinebauch, Howard, Osmundson, Vance, Vincent, Welborn, Mr.President.
Total 7

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

HJ 24 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Wolken.
Total 34

Nays: Blasdel, Brown, Hinebauch, Hinkle, Howard, Jones, Keenan, Lang, Osmundson, Regier, Salomon, Vance, Vincent, Welborn, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Whitford.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 9:30 a.m., Friday, April 21, 2017, the eighty-second legislative day. Motion carried.

Senate adjourned at 4:45 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 21, 2017 — State Capitol

Senate convened at 9:30 a.m. President Sales presiding. Invocation by Senator McClafferty. Pledge of Allegiance to the Flag.

Roll call. Fifty members present.

BILLS AND JOURNALS (Keenan, Chair): 4/21/2017
Correctly printed: **SJ 31**, **SJ 32**, **HB 134**, **HJ 18**, **HJ 22**, **HJ 25**, **HJ 29**.
Correctly enrolled: **SB 55**, **SB 124**, **SB 187**, **SB 285**, **SR 68**.
Examined by the sponsor and found to be correct: **SB 55**, **SB 124**, **SB 154**, **SB 187**, **SB 285**, **SB 329**, **SR 68**.
Transmitted to the House: **SJ 31, SJ 32, HB 134**, **HB 661**, **HJ 17**, **HJ 18, HJ 20**, **HJ 22**, **HJ 24**, **HJ 25**.
Signed by the President at 1:20 p.m., April 21, 2017: **SB 55**.
Signed by the Secretary of the Senate at 1:25 p.m., April 21, 2017: **SB 55**.
Delivered to the Secretary of State at 8:30 a.m., April 21, 2017: **SR 3**, **SR 20**, **SR 21**, **SR 43**, **SR 44**, **SR 59**, **SR 60**, **SR 61**, **SR 65**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Webb, Chair): 4/21/2017
HJ 18, be concurred in.
HJ 25, be concurred in.

TAXATION (Blasdel, Chair): 4/21/2017
HJ 22, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 123**
Report No. 001, April 20, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 123** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 123** (reference copy -- salmon) be amended as follows:

1. Page 2, line 21.
Following: "OFFICERS"
Insert: ","
Strike: "OR"

2. Page 2, line 22.
Following: "13"
Insert: ", or the administrators of those plans"

3. Page 4, line 3.
Strike: ";"
Insert: ","

4. Page 4, line 4.
Strike: "(ii)"

5. Page 4, line 4 through line 5.
Strike: ";" on line 4 through "entities and" on line 5
Insert: ", or"

6. Page 4, line 7.
Strike: "(iv)"
Insert: "(ii)"

7. Page 8, line 28.
Following: "OFFICERS"
Insert: ","
Strike: "OR"

8. Page 8, line 29.
Following: "13"
Insert: ", or the administrators of those plans"

9. Page 10, line 15.
Insert: "COORDINATION SECTION. **Section 19. Coordination instruction.** If both Senate Bill No. 362 and [this act] are passed and approved, then Senate Bill No. 362 is void."
Renumber: subsequent sections

For the Senate:

C. Smith, Chair
Caferro
Howard

For the House:

G. Hertz, Vice Chair
Curtis
Mandeville

MESSAGES FROM THE GOVERNOR

April 20, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, April 20, 2017, I signed the following bills:

SB 17 - N. Swandal
SB 287 - L. Jones

Sincerely,

STEVE BULLOCK
Governor

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Small in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 362 - **House Amendments** - Senator Buttrey moved House amendments to **SB 362** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 134 - Senator Moore moved **HB 134** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 29 - Senator Hinkle moved **HJ 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hinkle, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 32

Nays: Brown, Buttrey, Fielder, Gauthier, Hinebauch, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Smith F, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 333**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 333** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 333** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 11.
Following: "~~TAX;~~"
Insert: "ESTABLISHING A TAX ON PROVIDERS;"

2. Title, page 1, line 11 through line 12.
Strike: "A PER-PATIENT" on line 11 through "AND" on line 12

3. Page 6, line 15.
Strike: "40"
Insert: "12"

4. Page 7, line 30 through page 8, line 2.
Strike: "THE" on page 7, line 30 through "DEPARTMENT." on page 8, line 2

5. Page 9, line 3 through line 4.
Strike: "THE DEPARTMENT SHALL" on line 3 through "SECTION." on line 4

6. Page 9, line 6 through line 8.

Strike: subsection (D) in its entirety

7. Page 9, line 25.
Strike: "50-46-319(1)(B)"
Insert: "50-46-319(1)"

8. Page 9, line 30.
Following: "~~50-46-332.~~"
Insert: "The department shall provide the names and locations of cardholders who possess mature plants or seedlings to the local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332."

9. Page 10, line 3.
Strike: "SUBSECTION"
Insert: "subsections (8)(b) and"

10. Page 18, line 1.
Following: "YEARS"
Insert: "except if the provider or marijuana-infused products provider was named by a registered cardholder by June 30, 2017"

11. Page 18, line 14.
Following: "AGRICULTURE"
Insert: "if the provider or marijuana-infused products provider sells live plants"

12. Page 18, line 15.
Following: "PROVIDER"
Insert: "required to obtain a nursery license"

13. Page 19, line 1.
Strike: "IN ACCORDANCE" through "DEPARTMENT"

14. Page 24, line 16.
Strike: "12"
Insert: "4"

15. Page 24, line 19.
Strike: "24"
Insert: "8"

16. Page 35, line 28 through line 29.
Strike: subsection (3)(A) in its entirety
Insert: "(3) (a) Except as provided in subsection (3)(b), license fees for providers and marijuana-infused products providers are $1,000 for 10 or fewer registered cardholders

and $5,000 for more than 10 registered cardholders."

17. Page 36, line 5 through line 6.
Strike: subsection (D) in its entirety

18. Page 36, line 21.
Following: "~~(b)~~"
Insert: ": (a)"
Following: "50-46-344"
Insert: "; and
(b) the tax collected pursuant to [sections 18 through 26]"

19. Page 36, line 22.
Strike: "(a)"

20. Page 36, line 24 through page 25.
Strike: subsection (b) in its entirety

21. Page 37.
Following: line 10
Insert: "(6) "Retail price" means the established price for which a marijuana product provider sells a marijuana product to a purchaser before any discount or reduction.
(7) "Sale" or "sell" means any transfer of marijuana products for consideration, exchange, barter, gift, offer for sale, or distribution in any manner or by any means."

22. Page 37, line 13.
Strike: "**MARIJUANA PRODUCT**"
Strike: "**PROVIDER FEES**"
Insert: "Tax on marijuana product providers"

23. Page 37, line 20 through line 21.
Strike: subsection (1) in its entirety
Insert: "(1) (a) There is a tax equal to the percentage provided in subsection (1)(b) on a marijuana product provider's gross sales that is payable four times a year.
(b) The percentage of tax on gross sales in subsection (1)(a) is as follows:
(i) for gross sales during the calendar quarters beginning July 1, 2017, and ending June 30, 2018, the amount is 4%; and
(ii) for gross sales during the calendar quarters beginning July 1, 2018, and thereafter, the amount is 2%."

24. Page 37, line 25.
Strike: "NUMBER" through "PROVIDER"
Insert: "dollar amount of sales from any registered premises, as defined in 50-46-302, operated by the marijuana product provider, including dispensaries"

25. Page 37, line 30 through page 38, line 1.
Strike: "THE FEE" on page 37, line 30 through "CARDHOLDER" on page 38, line 1
Insert: "the percentage provided in subsection (1)(b) of the total dollar amount of sales"

26. Page 38, line 2.
Strike: "FEES"
Insert: "taxes"

27. Page 38, line 14.
Strike: "FEE"
Insert: "tax"

28. Page 38, line 18.
Strike: "FEES"
Insert: "taxes"

29. Page 38, line 20.
Strike: "FEES"
Insert: "taxes"

30. Page 38, line 21.
Strike: "FEES" in both places
Insert: "taxes" in both places

31. Page 38, line 23.
Strike: "FEES"
Insert: "taxes"

32. Page 38, line 25.
Strike: "FEES"
Insert: "taxes"

33. Page 38, line 30.
Strike: "FEES"
Insert: "taxes"

34. Page 39, line 2.
Strike: "FEES"
Insert: "taxes"

35. Page 39, line 5.
Strike: "FEES"
Insert: "taxes"

36. Page 39, line 8.

Strike: "FEES"
Insert: "taxes"

37. Page 39, line 10.
Strike: "FEES"
Insert: "taxes"

38. Page 39, line 17.
Strike: "FEES"
Insert: "taxes"

39. Page 39, line 21.
Strike: "FEE"
Insert: "tax"

40. Page 39, line 24.
Strike: "FEES"
Insert: "taxes"

41. Page 39, line 28 through page 40, line 1.
Strike: "AN" on page 39, line 28 through "PROVIDER" on page 40, line 1
Insert: ":
(i) all receipts issued; and
(ii) an accurate record of all sales of marijuana products, showing the name and address of each purchaser, the date of sale, and the quantity, kind, and retail price of each product sold"

42. Page 40, line 4.
Strike: "FEE"
Insert: "amount of tax"

43. Page 40, line 12.
Strike: "FEE"
Insert: "tax"

44. Page 40, line 19.
Strike: "FEE"
Insert: "tax"

45. Page 40, line 21.
Strike: "FEE"
Insert: "tax"

46. Page 40, line 26.
Strike: "FEE"
Insert: "amount of tax"

47. Page 41, line 2.
Strike: "**FEE**"
Insert: "tax"

48. Page 41, line 3.
Strike: "**FEE**"
Insert: "tax"

49. Page 41, line 5.
Strike: "FEES"
Insert: "taxes"

50. Page 41, line 6.
Strike: "FEES"
Insert: "taxes"

51. Page 41, line 9.
Strike: "FEE"
Insert: "tax"

52. Page 41, line 14.
Strike: "**FEES**"
Insert: "taxes"

53. Page 41, line 15.
Strike: "FEES"
Insert: "taxes"

54. Page 41, line 17.
Strike:"FEE" in both places
Insert: "tax" in both places

55. Page 41, line 20.
Strike: "FEES"
Insert: "taxes"

56. Page 41, line 21.
Following: "~~TAX~~"
Insert: "tax"

57. Page 41, line 25.
Strike: "FEE"
Insert: "tax"

58. Page 41, line 30.

Strike: "FEES"
Insert: "taxes"

59. Page 42, line 7 through line 8.
Strike: "MARIJUANA" on line 7 through "PROVIDER" on line 8
Insert: "taxpayer"

60. Page 43
Following: line 5
Insert: "(b) The department may enter into an agreement with the taxing officials of another state for the interpretation and administration of the laws of their state that provide for the collection of a sales tax or use tax in order to promote fair and equitable administration of the laws and to eliminate double taxation."
Renumber: subsequent subsections

61. Page 43, line 28.
Strike: "LICENSE FEE"
Insert: "marijuana tax on gross sales"

62. Page 44, line 17 through line 20.
Strike: section 28 in its entirety
Renumber: subsequent sections

63. Page 44, line 22 through line 23.
Following: "**APPROPRIATION.**"
Insert: "(1)"
Strike: "$1 MILLION" on line 22 through "MORE," on line 23
Insert: "$1.96 million"

64. Page 44, line 23 through line 24.
Strike: "THAT CONTAINS" on line 23 through "46," on line 24
Insert: "provided for in 50-46-345"

65. Page 44, line 25.
Strike: "YEAR"
Insert: "years"
Following: "2018"
Insert: "and 2019"

66. Page 44, line 25 through line 26.
Strike: "THE ESTABLISHMENT" on line 25 through "50-46-303." on line 26
Insert: "the administration of the Montana Medical Marijuana Act.

(2) There is appropriated $722,000 from the state special revenue account provided for in 50-46-345 to the department of revenue for fiscal years 2018 and 2019 for administration of the tax provided for in [sections 18 through 26]."

67. Page 45, line 11.
Strike: "(4)(D)"
Insert: "(4)(c)"

68. Page 45, line 15.
Strike: "(4)(D)"
Insert: "(4)(c)"

69. Page 45, line 18.
Strike: "(4)(D)"
Insert: "(4)(c)"

For the Senate:

Blasdel, Chair
Caferro
Hoven

For the House:

Essmann, Vice Chair
A. Hertz
Jacobson

FREE CONFERENCE COMMITTEE
on **Senate Bill 366**
Report No. 001, April 20, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 366** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 366** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Following: "AUTHORITY;"
Insert: "PROVIDING FOR APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 1, line 29.
Strike: "$25"
Insert: "$15"

3. Page 2, line 1.
Strike: "$50"
Insert: "$30"

4. Page 2, line 5.
Strike: "$25"
Insert: "$15"

5. Page 2, line 8.
Following: "cards."
Insert: "Fees under this subsection (4) may not be collected after June 30, 2019."

6. Page 2.
Following: line 20
Insert: "NEW SECTION. **Section 3. Appropriations.** (1) For the biennium beginning July 1, 2017, there is appropriated $75,000 from the general fund to the motor vehicle division of the department of justice for providing information to the public about [this act].

(2) For the biennium beginning July 1, 2017, there is appropriated $800,000 from the general fund to the motor vehicle division of the department of justice for reprogramming information technology system and modify systems to implement [this act].

(3) For the fiscal year beginning July 1, 2017, there is appropriated $1.852 million from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for operating expenses related to the implementation of [this act].

(4) For the fiscal year beginning July 1, 2018, there is appropriated $1.852 million from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for operating expenses related to the implementation of [this act]."
Insert: "NEW SECTION. **Section 4. Transfer of funds.** If the state of Montana does not receive an extension from compliance with the Real ID Act of 2005, Public Law 109-13, from the department of homeland security by January 1, 2018, the state treasurer shall transfer $1.852 million from the general fund to the state special revenue fund referenced in [section 1(4)(b)]."
Insert: "NEW SECTION. **Section 5. Legislative intent.** It is the intent of the legislature that the department of justice will use modified full-time equivalents to implement [this act]."
Renumber: subsequent sections

7. Page 2.
Following: line 23
Insert: "NEW SECTION. **Section 7. Contingent voidness.** If before January 1, 2018, the state of Montana receives an extension from compliance with the Real ID Act of 2005, Public Law 109-13, from the department of homeland security, the appropriation in [section 3(3)] is void."

8. Page 3, line 3.
Strike: "JULY 1, 2019"
Insert: "January 1, 2019"

For the Senate:	For the House:
D. Brown, Chair	Glimm, Vice Chair
Cohenour	Brodehl
Osmundson	Court

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Motion carried. Senate recessed at 10:10 a.m.

Senate reconvened at 1:00 p.m., President Sales presiding. All members present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 32, introduced by A. Olszewski, D. Howard, referred to Public Health, Welfare and Safety.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/21/2017
SJ 32, do pass.

Without objection, committee report was adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 133**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 133** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 133** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 12.
Following: "~~YOUNGER;~~"
Insert: "LIMITING EXCEPTIONS TO MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER;"

2. Title, page 1, line 21.
Following: "~~46-18-222,~~"

Insert: "46-18-222,"

3. Page 16, line 30.
Strike: "46-18-222"
Insert: "46-18-222(1) through (5)"

4. Page 17, line 2.
Following: "~~apply.~~"
Insert: "The exception provided in 46-18-222(6) does not apply."

5. Page 18, line 9.
Strike: "46-18-222"
Insert: "46-18-222(1) through (5)"

6. Page 18, line 11.
Following: "~~apply.~~"
Insert: "The exception provided in 46-18-222(6) does not apply."

7. Page 20, line 5.
Strike: "46-18-222"
Insert: "46-18-222(1) through (5)"

8. Page 20, line 7.
Following: "~~apply.~~"
Insert: "The exception provided in 46-18-222(6) does not apply."

9. Page 46, following line 16.
Insert: "Section 27. Section 46-18-222, MCA, is amended to read:

"46-18-222. Exceptions to mandatory minimum sentences, restrictions on deferred imposition and suspended execution of sentence, and restrictions on parole eligibility. Mandatory minimum sentences prescribed by the laws of this state, mandatory life sentences prescribed by 46-18-219, the restrictions on deferred imposition and suspended execution of sentence prescribed by 46-18-201(1)(b), 46-18-205, 46-18-221(3), 46-18-224, and 46-18-502(3), and restrictions on parole eligibility prescribed by 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), and 45-5-625(4) do not apply if:

(1) the offender was less than 18 years of age at the time of the commission of the offense for which the offender is to be sentenced;

(2) the offender's mental capacity, at the time of the commission of the offense for which the offender is to be sentenced, was significantly impaired, although not so impaired as to constitute a defense to the prosecution. However, a voluntarily induced intoxicated or drugged condition may not be considered an impairment for the purposes of this subsection.

(3) the offender, at the time of the commission of the offense for which the offender is to be sentenced, was acting under unusual and substantial duress, although not such duress as would constitute a defense to the prosecution;

(4) the offender was an accomplice, the conduct constituting the offense was principally

the conduct of another, and the offender's participation was relatively minor;

(5) in a case in which the threat of bodily injury or actual infliction of bodily injury is an actual element of the crime, no serious bodily injury was inflicted on the victim unless a weapon was used in the commission of the offense; or

(6) the offense was committed under 45-5-502(3), ~~45-5-503(4), 45-5-507(5),~~ 45-5-601(3), 45-5-602(3), or 45-5-603(2)(b)~~, or 45-5-625(4)~~ and the judge determines, based on the findings contained in a psychosexual evaluation report prepared by a qualified sexual offender evaluator pursuant to the provisions of 46-23-509, that treatment of the offender while incarcerated, while in a residential treatment facility, or while in a local community affords a better opportunity for rehabilitation of the offender and for the ultimate protection of the victim and society, in which case the judge shall include in its judgment a statement of the reasons for its determination.""

Renumber: subsequent sections

For the Senate:

K. Regier, Chair
Fielder
Gross

For the House:

Brodehl, Vice Chair
McConnell
Patelis

FREE CONFERENCE COMMITTEE
on **Senate Bill 248**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 248** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 248** (reference copy -- salmon) be amended as follows:

1. Title, line 6.
Strike: "A FEE" through "COMPLETION"
Insert: "LIMITS ON SALES OF LAND DIVIDED BY FAMILY TRANSFER; PROVIDING A PENALTY FOR EVADING SUBDIVISION REGULATIONS"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 76-3-207 AND"

2. Page 1, line 11.
Following: line 10
Insert: "Section 1. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division -- limits on resale -- penalty. (1) Except as provided in subsection (2), unless the

method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to review under parts 5 and 6 of this chapter.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed $200, for the examination.

<u>(5)(a) A person who receives a division of land pursuant to subsection (1)(b) may not transfer or otherwise convey the division of land to a nonimmediate family member for a</u>

minimum of 2 years after the date of the division unless the person demonstrates to the governing body a documented financial, medical, or other hardship requiring the sale or other conveyance of the division of land.

(b) A person who knowingly attempts to evade subdivision regulations through the use of a division of land pursuant to subsection (1)(b) is subject to a civil penalty of $5,000 per division of land, payable to the governing body.""

Renumber: subsequent sections

3. Page 2, line 19.
Strike: "FROM" through "EACH"
Insert: "on a"

4. Page 2, line 22.
Following: "YEAR"
Insert: ", and only one well or developed spring under this subsection (3)(a)(v) is located on the lot or parcel"

5. Page 2, line 24.
Following: "YEAR"
Insert: ", and only one well or developed spring under this subsection (3)(a)(v) is located on the lot or parcel"

6. Page 2, line 27.
Strike: "AND PAY" through "$15"

7. Page 4, line 14.
Following: line 13
Insert: "NEW SECTION. **Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

8. Page 4, line 17.
Strike: "[This act]"
Insert: "[Section 2]"

For the Senate:	For the House:
Blasdel, Chair	White, Vice Chair
Caferro	Curdy
Fitzpatrick	Galt

MOTIONS

Majority Leader Thomas moved that **HB 133** and **SB 248** be placed on second reading this date. Without objection, so ordered.

Majority Leader Thomas moved that **SJ 32** be placed on second reading this date. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Small in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 57 - **House Amendments** - Senator Blasdel moved House amendments to **SB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 40

Nays: Brown, Fielder, Hinkle, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333 - **Conference Committee Report No. 1** - Senator Caferro moved the Conference Committee report to **SB 333** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Vance, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 - **Free Conference Committee Report No. 1** - Senator Cohenour moved consideration of **SB 366** be passed for the day. Without objection, so ordered.

HB 123 - **Conference Committee Report No. 1** - Senator C. Smith moved the Conference Committee report to **HB 123** be adopted. Motion **failed** as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Mr.President.
Total 23

Nays: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 462 - **Free Conference Committee Report No. 1** - Senator D. Salomon moved the Free Conference Committee report to **HB 462** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 38

Nays: Fielder, Hinebauch, Hinkle, Howard, Keenan, Lang, Moore, Olszewski, Osmundson, Smith C, Smith F, Vance.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 31 - Senator McNally moved **SJ 31** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 39

Nays: Brown, Fielder, Hinebauch, Howard, Kary, Lang, Osmundson, Smith C, Swandal, Vance, Vincent.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 18 - Senator Hoven moved **HJ 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Lang, Malek, McClafferty, McNally, Moore, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 33

Nays: Buttrey, Connell, Fielder, Gross, Hinebauch, Keenan, MacDonald, Olszewski, Osmundson, Phillips, Salomon, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 22 - Senator Barrett moved **HJ 22** be concurred in. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 33

Nays: Ankney, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Osmundson, Phillips, Regier, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 133 - **Conference Committee Report No. 1**- Senator Wolken moved consideration of **HB 133** be passed for the day. Without objection, so ordered.

HJ 25 - Senator Fitzpatrick moved **HJ 25** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 33

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Salomon, Smith C, Tempel, Vance, Vincent, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248 - **Free Conference Committee Report No. 1** - Senator Blasdel moved the Free Conference Committee report to **SB 248** be adopted. Motion carried as follows:

Yeas: Blasdel, Brown, Caferro, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Smith C, Swandal, Thomas, Vance, Webb, Whitford, Wolken, Mr.President.
Total 27

Nays: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Gross, Howard, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 32 - Senator Olszewski moved **SJ 32** do pass. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 40

Nays: Ankney, Hinebauch, Hinkle, Osmundson, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 366** - **Free Conference Committee Report No. 1** be returned to the conference committee for additional discussion. Without objection, so ordered.

Majority Leader Thomas moved the Senate **suspend S50-190**, the third reading rule, to allow all bills heard on second reading this date to be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Chas Vincent made his farewell remarks to the Senate.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 362, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski,

Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 42

Nays: Fielder, Hinkle, Keenan, Regier, Smith C, Vance, Vincent, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 134 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 29 failed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gauthier, Gross, Hinkle, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Tempel, Vuckovich, Whitford, Wolken.
Total 21

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 57, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 37

Nays: Brown, Fielder, Hinebauch, Hinkle, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 34

Nays: Blasdel, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Smith C, Vance, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 462, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr.President.

Total 37

Nays: Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Lang, Moore, Olszewski, Osmundson, Smith C, Smith F, Vance, Welborn.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 31 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 38

Nays: Brown, Fielder, Hinebauch, Howard, Kary, Osmundson, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 18, concurred in as follows:

Yeas: Barrett, Blasdel, Brown, Caferro, Cohenour, Facey, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, McClafferty, McNally, Moore, Pomnichowski, Regier, Richmond, Sands, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 27

Nays: Ankney, Boland, Buttrey, Connell, Fielder, Fitzpatrick, Gross, Hinebauch, Keenan, Lang, MacDonald, Malek, Olszewski, Osmundson, Phillips, Salomon, Sesso, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 22, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 34

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Olszewski, Osmundson, Phillips, Regier, Smith C, Swandal, Vance, Vincent, Welborn, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJ 25, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Kary, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken.
Total 33

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Salomon, Smith C, Vance, Vincent, Welborn, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 248, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Mr.President.
Total 28

Nays: Ankney, Barrett, Boland, Cohenour, Facey, Gross, Hinebauch, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Smith F, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 32 passed as follows:

Yeas: Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Whitford, Wolken, Mr.President.
Total 41

Nays: Ankney, Hinebauch, Hinkle, Osmundson, Smith C, Swandal, Vance, Vincent, Welborn.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the **Pages** for their service this week.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 434**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 434** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 434** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 7 through 8.
Following: "IMPROVEMENT" on line 7
Strike: "AND PUBLIC ACCESS" on line 8

2. Title, page 1, line 9.
Following: "~~AND~~"
Strike: ","
Insert: "AND"
Following: "HABITAT"
Strike: ", AND IMPROVE PUBLIC ACCESS"

3. Title, page 1, line 10.
Following: "IMPROVEMENT"
Strike: "AND PUBLIC ACCESS"

4. Page 1, line 17.
Following: "habitat"
Strike: "AND IMPROVE PUBLIC ACCESS"

5. Page 1, line 24.
Strike: "9"
Insert: "8"

6. Page 1, line 25.
Following: "Improvement"
Strike: "AND PUBLIC ACCESS"

7. Page 1, line 27.
Strike: "9"
Insert: "8"

8. Page 1, line 29.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

9. Page 2, line 9.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

10. Page 2, line 10.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

11. Page 2, line 12.
Strike: "9"

Insert: "8"

12. Page 2, line 15.
Following: "ORGANIZATION"
Insert: "in Montana"

13. Page 2, line 16.
Following: "ORGANIZATION"
Insert: "in Montana"

14. Page 2, line 17.
Following: "INDUSTRY"
Insert: "in Montana"

15. Page 3, line 5.
Following: "improvement"
Strike: "AND PUBLIC ACCESS"

16. Page 3, line 14.
Following: "improvement"
Strike: "PUBLIC ACCESS"

17. Page 3, line 15.
Strike: "9"
Insert: "8"

18. Page 3, line 30.
Strike: "9"
Insert: "8"

19. Page 4, line 1.
Strike: "9"
Insert: "8"

20. Page 4, line 8.
Following: "IMPROVEMENT"
Strike: "AND PUBLIC ACCESS"

21. Page 5, line 1.
Strike: "9"
Insert: "8"

22. Page 5, line 18.
Following: "~~and~~"
Insert: "and"

23. Page 5, line 19 through line 21.
Strike: "; AND" on line 19 through "[SECTION 8]" on line 21

24. Page 5, line 23 through page 6, line 17.
Strike: section 8 in its entirety
Renumber: subsequent sections

25. Page 6, line 22.
Strike: "9"
Insert: "8"

26. Page 6, line 23.
Strike: "9"
Insert: "8"

For the Senate:	For the House:
Hinkle, Chair	Redfield, Vice Chair
Phillips	Court
Welborn	Flynn

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/21/2017

SB 368, introduced by T. Richmond

This bill is returned after the deadline for Revenue Bills. **Joint rule 40-200 requires a 2/3 vote** of the Senate before the bill can be considered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Monday, April 24, 2017, the eighty-fourth legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 22, 2017

Senate Chambers
State Capitol

Senate did not meet in session this day.

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 24, 2017 — State Capitol

Senate convened at 10:08 a.m. President Sales presiding. Invocation by Senator Cohenour. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Hoven, McNally, Olszewski and Osmundson excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/24/2017
Correctly printed: **HB 294**.
Correctly enrolled: **SB 11**, **SB 15**, **SB 22**, **SB 24**, **SB 30**, **SB 57**, **SB 140**, **SB 160**, **SB 166**, **SB 235**, **SB 276**, **SB 302**, **SB 303**, **SB 324**, **SB 336**, **SB 342**, **SB 345**, **SB 362**, **SB 372**.
Examined by the sponsor and found to be correct: **SB 345**.
Signed by the President at 5:00 p.m., April 20, 2017: **SB 21**, **SB 73**, **SB 119**, **SB 154**, **SB 245**, **SB 315**, **SB 317**, **SB 329**, **SB 352**, **SR 57**.
Signed by the Secretary of the Senate at 9:28 a.m., April 24, 2017: **SB 21**, **SB 73**, **SB 119**, **SB 154**, **SB 245**, **SB 315**, **SB 317**, **SB 329**, **SB 352**.
Signed by the Secretary of the Senate at 2:24 p.m., April 24, 2017: **SR 57**.
Signed by the President at 11:30 a.m., April 24, 2017: **SB 124**, **SB 187**, **SB 285**, **SR 62**, **SR 67**, **SR 68**, **SJ 15**.
Signed by the Secretary of the Senate at 11:40 a.m., April 24, 2017: **SB 124**, **SB 187**, **SB 285**, **SR 62**, **SR 67**, **SR 68**, **SJ 15**.
Signed by the President at 12:00 p.m., April 24, 2017: **SB 208**, **SB 254**, **SB 268**, **SB 278**, **SB 279**, **SB 282**, **SB 283**, **SB 325**.
Signed by the Secretary of the Senate at 12:15 p.m., April 24, 2017: **SB 208**, **SB 254**, **SB 268**, **SB 278**, **SB 279**, **SB 282**, **SB 283**, **SB 325**.
Signed by the Speaker at 9:00 a.m., April 24, 2017: **SB 55**.
Signed by the Speaker at 1:30 p.m., April 24, 2017: **SB 270**.
Signed by the Speaker at 5:00 p.m., April 24, 2017: **SJ 15**.
Delivered to the Governor at 11:00 a.m., April 24, 2017: **SB 55**.
Delivered to the Secretary of State at 3:02 p.m., April 24, 2017: **SR 57**, **SR 62**, **SR 67**, **SR 68**.

Senator Blasdel **introduced the Pages** for this week:

Kate Indreland from Big Timber, sponsored by Representative Redfield
Braeden Tempel from Joplin, sponsored by Senator Tempel

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 366**
Report No. 002, April 24, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 366** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 366** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Following: "AUTHORITY;"
Insert: "PROVIDING FOR APPROPRIATIONS; AUTHORIZING THE DEPARTMENT OF JUSTICE TO ENTER INTO A LOAN FOR IMPLEMENTATION OF THE REAL ID ACT; PROVIDING FOR CONTINGENT VOIDNESS;"
Strike: "SECTION"
Insert: "SECTIONS 17-5-2001 AND"

2. Page 2.
Following: line 8
Insert: "Section 2. Section 17-5-2001, MCA, is amended to read:

"17-5-2001. Loans to state agencies. (1) An agency responsible for the procurement and provision of vehicles, automated systems, and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(a) the term of the indebtedness does not exceed the useful life of the items being financed; and

(b) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.

(2) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed $28.5 million, payable over a term not to exceed 15 years, for financing the cost of an information technology system for the production and maintenance of motor vehicle title and registration records and driver's license records.

(b) For purposes of the financing of the motor vehicle information technology system, loans are payable from the money in the motor vehicle information technology system account as provided in 61-3-550. The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue of the motor vehicle information technology system account, based upon the fees approved by the legislature, must be

sufficient to repay the indebtedness over the proposed term.

(3) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed $4.6 million, payable over a term not to exceed 10 years, for financing the cost of an information technology system, and other associated costs, for the implementation of the REAL ID Act of 2005. Loans are payable from the money from the state special revenue fund provided for in [section 1(4)(b)]."""

Renumber: subsequent sections

3. Page 2.

Following: line 20

Insert: "NEW SECTION. **Section 4. Appropriations.** (1) For the biennium beginning July 1, 2017, there is appropriated $75,000 from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for providing information to the public about [this act]. (2) For the biennium beginning July 1, 2017, there is appropriated $800,000 from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for reprogramming information technology systems and modifying systems to implement [this act].

(3) For the fiscal year beginning July 1, 2017, there is appropriated $1.852 million from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for operating expenses related to the implementation of [this act].

(4) For the fiscal year beginning July 1, 2018, there is appropriated $1.852 million from the state special revenue fund referenced in [section 1(4)(b)] to the motor vehicle division of the department of justice for operating expenses related to the implementation of [this act]."

Insert: "NEW SECTION. **Section 5. Legislative intent.** It is the intent of the legislature that the department of justice use modified full-time equivalent positions to implement [this act]."

Renumber: subsequent sections

4. Page 2.

Following: line 23

Insert: "NEW SECTION. **Section 7. Contingent voidness.** If before January 1, 2018, the state of Montana receives an extension from compliance with the REAL ID Act of 2005, Public Law 109-13, from the department of homeland security, the appropriation in [section 4(3)] is void."

Renumber: subsequent sections

5. Page 3, line 3.

Strike: "JULY"

Insert: "January"

For the Senate:	For the House:
D. Brown, Chair	Glimm, Vice Chair
Cohenour	Brodehl
Osmundson	Court

FREE CONFERENCE COMMITTEE
on **House Bill 387**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 387** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 387** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "EXTENDING" on line 8 through "CENTER;" on line 9

2. Title, page 1, line 10.
Following: "DEFINITIONS;"
Insert: "PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION;"

3. Title, page 1, line 11 through line 12.
Strike: "SECTIONS" on line 11 through "53-20-129" on line 12
Insert: "SECTION 53-20-126"

4. Page 1, line 12.
Strike: ",3,"
Strike: "4"
Insert: "3"

5. Title, page 1, line 13.
Strike: "AN IMMEDIATE"
Strike: "DATE"
Insert: "DATES"

6. Title, page 1, line 13 through line 14.
Strike: "AND" on line 13 through "DATE" on line 14

7. Page 2, line 1.
Following: "~~file~~"
Insert: "the department has asked a county attorney to file"

8. Page 2, line 2.
Strike: "HAS BEEN FILED"

9. Page 2, line 4.
Following: "~~53-20-121~~."
Insert: "The initial period of commitment to the center may not exceed 90 days. If recommitment is sought pursuant to 53-20-128, each subsequent recommitment period may not exceed

90 days."

10. Page 2, line 7.
Strike: "3"
Insert: "4"

11. Page 2, line 12.
Insert: "NEW SECTION. **Section 4. Rulemaking authority.** The department may adopt rules to carry out [sections 1 through 4], including but not limited to rules for eligibility requirements for admission to the facility."
Renumber: subsequent sections

12. Page 2, line 13 through page 5, line 29.
Strike: section 4 and section 5 in their entirety
Renumber: subsequent sections

13. Page 5.
Following: line 30
Insert: "Section 5. Section 53-20-126, MCA, is amended to read:

"53-20-126. Maximum period of commitment or treatment plan. The court order approving the commitment to a residential facility or the imposition of the community treatment plan must specify the maximum period of time for which the person is committed or for which a community treatment plan is imposed. ~~The~~ Except as provided in [section 2] for an individual committed to the intensive behavior center, the maximum period may not exceed 90 days for commitment to a residential facility or 1 year for the imposition of a community treatment plan.""

14. Page 6, line 10.
Following: ";"
Insert: "and"

15. Page 6, line 22.
Strike: "AND"

16. Page 6, line 23.
Following: "SERVICES"
Insert: "; and

(c) cap the census at the intensive behavior center provided for in [section 2] at 12 residents after June 30, 2019"

17. Page 6, line 24 through page 7, line 4.
Strike: subsection (4) in its entirety

18. Page 7, line 16 through line 19.
Strike: section 8 in its entirety
Renumber: subsequent sections

19. Page 7, line 22.
Strike: "**-- REPORT TO LEGISLATURE**"

20. Page 7, line 27.
Following: ":"
Insert: "and"

21. Page 7, line 28 through page 8, line 3.
Strike: subsection (3) in its entirety
Renumber: subsequent subsection

22. Page 8, line 4.
Following: "2019."
Insert: "The department is authorized to use two of the cottages located on the campus of the Montana developmental center for residential purposes until June 30, 2018, and is authorized to use one cottage for residential purposes until June 30, 2019."

23. Page 8.
Following: line 11
Insert: "NEW SECTION. **Section 10. Appropriation.** There is appropriated $500,000 from the general fund to the department of public health and human services for the fiscal year beginning July 1, 2017, for a Boulder development fund to be administered by the director of the department."
Insert: "NEW SECTION. **Section 11. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 53, chapter 20, and the provisions of Title 53, chapter 20, apply to [sections 1 through 4]."

24. Page 8, line 12.
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

25. Page 8, line 13.
Insert: "(2) [Section 10] is effective July 1, 2017."

26. Page 8, line 14.
Strike: section 12 in its entirety

For the Senate:	For the House:
Thomas, Chair	Wagoner, Vice Chair
Caferro	Cook
Olszewski	Keane

MESSAGES FROM THE GOVERNOR

April 21, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, April 21, 2017, I signed the following bill:

SB 319 - J. Gross

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/21/2017

SB 11, introduced by P. Connell
SB 15, introduced by J. Cohenour
SB 22, introduced by S. Malek
SB 24, introduced by J. Welborn
SB 30, introduced by D. Sands
SB 140, introduced by D. Ankney
SB 160, introduced by M. Caferro
SB 166, introduced by E. Buttrey
SB 172, introduced by M. Lang
SB 174, introduced by R. Webb
SB 177, introduced by R. Webb
SB 205, introduced by A. Olszewski
SB 258, introduced by N. Swandal
SB 272, introduced by R. Webb
SB 293, introduced by C. Smith
SB 295, introduced by J. Fielder
SB 302, introduced by E. Buttrey
SB 303, introduced by E. Buttrey
SB 311, introduced by E. Buttrey
SB 312, introduced by J. Welborn
SB 321, introduced by A. Olszewski

Senate bills concurred in and returned to the Senate: 4/22/2017

SB 26, introduced by S. Malek
SB 123, introduced by N. Swandal
SB 138, introduced by D. Ankney
SB 153, introduced by M. MacDonald
SB 159, introduced by M. Blasdel
SB 167, introduced by C. Vincent
SB 173, introduced by J. Cohenour
SB 183, introduced by J. Welborn
SB 193, introduced by D. Ankney
SB 196, introduced by S. Fitzpatrick
SB 218, introduced by M. Blasdel
SB 235, introduced by T. Richmond
SB 276, introduced by R. Webb
SB 324, introduced by R. Tempel
SB 336, introduced by G. Vance
SB 337, introduced by D. Ankney
SB 339, introduced by D. Ankney
SB 340, introduced by C. Smith
SB 341, introduced by A. Olszewski
SB 342, introduced by C. Vincent
SB 372, introduced by F. Moore

Senate joint resolutions concurred in and returned to the Senate: 4/22/2017

SJ 6, introduced by D. Ankney
SJ 11, introduced by K. Regier
SJ 16, introduced by M. Caferro
SJ 19, introduced by M. Phillips
SJ 28, introduced by D. Ankney
SJ 29, introduced by D. Ankney

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/22/2017

SB 374, introduced by D. Ankney

This amended bill is being returned after the deadline for Revenue Bills. **Joint rule 40-200 requires a 2/3 vote** of the Senate before the bill can be considered.

Senate amendments to House bills concurred in: 4/21/2017

HB 2, introduced by N. Ballance

HB 4, introduced by N. Ballance
HB 5, introduced by J. Keane
HB 390, introduced by D. Jones
HB 642, introduced by B. Tschida
HB 647, introduced by D. Jones
HB 650, introduced by R. Brodehl

House joint resolution passed and transmitted to the Senate for concurrence: 4/22/2017

HJ 39, introduced by A. Olsen

HB 562 - The House failed to concur in Senate amendments to **HB 562,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 562:** 4/21/2017

Representative Usher, Vice Chair
Representative Court
Representative C. Knudsen

SB 639 - The House failed to concur in Senate amendments to **SB 639,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **SB 639:** 4/22/2017

Representative Ryan, Vice Chair
Representative Ballance
Representative Cook

Conference Committee Report No.1 adopted: 4/21/2017

HB 280, introduced by R. Brodehl

Conference Committee Report No.1 adopted: 4/22/2017

SB 94, introduced by K. Regier
SB 111, introduced by K. Regier
HB 131, introduced by Z. Perry

Free Conference Committee Report No.1 adopted: 4/21/2017

SB 59, introduced by C. Wolken
SB 63, introduced by C. Wolken
SB 64, introduced by C. Wolken
SB 143, introduced by M. Lang
HB 145, introduced by Z. Brown

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 39, introduced by A. Olsen, referred to Public Health, Welfare and Safety.

MOTIONS

Majority Leader Thomas moved the Senate **suspend joint rule 40-200** to accept late transmittal of **SB 368** and **SB 374** from the House. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Brown, Salomon, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: Hoven, McNally, Olszewski, Osmundson.
Total 4

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator K. Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 359 - **House Amendments** - Senator Blasdel moved House amendments to **SB 359** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hoven, McNally, Olszewski, Osmundson.
Total 4

SB 368 - **House Amendments** - Senator Richmond moved House amendments to **SB 368** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Hinkle, Howard, Smith C.
Total 3

Absent or not voting: None.
Total 0

Excused: Hoven, McNally, Olszewski, Osmundson.
Total 4

HB 434 - **Conference Committee Report No. 1** - Senator Hinkle moved the Conference Committee report to **HB 434** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Fielder, Regier.
Total 2

Absent or not voting: None.
Total 0

Excused: Hoven, McNally, Olszewski, Osmundson.
Total 4

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair K. Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hoven, McNally, Olszewski, Osmundson.
Total 4

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair): 4/24/2017
HB 294, be concurred in.
HB 586, be amended as follows:
1. Title, page 1, line 6 through line 7.
Strike: "TEMPORARILY" on line 6 through "AMOUNT;" on line 7

2. Title, page 1, line 7 through line 8.
Strike: "PROVIDING" on line 7 through "MCA;" on line 8

3. Title, page 1, line 9.
Strike: "AND A TERMINATION DATE"

4. Page 1, line 13 through page 2, line 5.
Strike: section 1 through section 2 in their entirety
Renumber: subsequent sections

5. Page 2, line 7 through line 10.
Strike: subsection (1) in its entirety

Insert: "(1) If a bonding bill is passed and approved that creates a state and local infrastructure account to be administered by the department of natural resources and conservation and provides for bonding proceeds to be deposited in that account that are dedicated for a grant to the city of Laurel for a water intake project pursuant to 85-1-602, the amount dedicated to the project is appropriated to the department from that account for that purpose in the biennium beginning July 1, 2017."

6. Page 2, line 15.
Strike: "[section 3]"
Insert: "[section 1]"

7. Page 2, line 17.
Strike: "[sections 2 through 4]"
Insert: "[sections 1 and 2]"

8. Page 2, line 26 through line 27.
Strike: "[section 3]"
Insert: "[section 1]"

9. Page 2, line 27.
Strike: "[section 3]"
Insert: "[section 1]"

10. Page 3, line 3.
Strike: section 8 in its entirety

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 562**. Without objection, so ordered. President Sales appointed Senator Vance, chair, and Senators Buttrey and Whitford.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 639**. Without objection, so ordered. President Sales appointed Senator Jones, chair, and Senators Moore and Sesso.

Majority Leader Thomas moved the Senate authorize the President to appoint a **Free** Conference Committee on **SB 359** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/24/2017

Senator Blasdel, Chair
Senator Malek
Senator R. Webb

Majority Leader Thomas moved the Senate authorize the President to appoint a Conference Committee on **SB 368** and request the House to appoint a like committee. Without objection, so ordered. Motion carried. President Sales appointed: 4/24/2017

Senator Richmond, Chair
Senator Sesso
Senator Thomas

Senator Olszewski present at this time.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 1:00 p.m. this day. Motion carried. Senate recessed at 10:35 a.m.

Senate reconvened at 1:00 p.m., President Sales presiding. Forty-eight members present, Senators Hoven and Osmundson excused.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 660 - Majority Leader Thomas moved consideration of **HB 660** be passed for the day. Without objection, so ordered.

HB 133 - **Conference Committee Report No. 1** - Senator K. Regier moved the Conference Committee report to **HB 133** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier,

Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 376 - Majority Leader Thomas moved consideration of **HB 376** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 294 - Senator Caferro moved **HB 294** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 387 - **Free Conference Committee Report No. 1** - Majority Leader Thomas moved the Free Conference Committee report to **HB 387** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Lang, Regier, Smith C, Vance, Vincent, Webb, Mr.President.

Total 13

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

SB 374 - **House Amendments** - Senator Ankney moved House amendments to **SB 374** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Vuckovich.
Total 1

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 83 - **Governor's Amendments** - Senator Kary moved Governor's amendments to **HB 83** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Tempel, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 103 - **Governor's Amendments** - Senator Malek moved Governor's amendments to **HB 103** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 35

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Howard, Keenan, Moore, Olszewski, Regier, Smith C, Vance, Webb, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 198 - **Governor's Amendments** - Senator Facey moved Governor's amendments to **HB 198** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 39

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Keenan, Smith C, Vance, Vincent, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 209 - **Governor's Amendments** - Senator Ankney moved Governor's amendments to **HB 209** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 36

Nays: Fielder, Hinebauch, Hinkle, Howard, Lang, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 334 - **Governor's Amendments** - Senator C. Smith moved Governor's amendments to **HB 334** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 358 - **Governor's Amendments** - Senator Fitzpatrick moved Governor's amendments to **HB 358** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.
Total 18

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 360 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **HB 360** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

HB 367 - Majority Leader Thomas moved consideration of **HB 367** be passed for the day. Without objection, so ordered.

HB 494 - **Governor's Amendments** - Senator K. Regier moved Governor's amendments to **HB 494** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Whitford, Wolken.
Total 17

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Olszewski moved the Committee of the Whole report be adopted. Report adopted as

follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 363**
Report No. 001, April 21, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 363** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 363** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.
Following: "~~69-3-308,~~"
Insert: "69-3-308,"

2. Title, page 1, line 14.
Strike: "AND"
Following: "87-2-817,"
Insert: "AND 87-2-903,"

3. Page 3.
Following: line 10
Insert: "(7) For the purposes of this section, the public service commission shall determine the appropriate recovery of this fee in rates in a proceeding held pursuant to 69-3-302 for any hydroelectric facility approved pursuant to 69-8-421."
Renumber: subsequent subsections

4. Page 12.
Following: line 24
Insert: "Section 5. Section 69-3-308, MCA, is amended to read:

"69-3-308. Disclosure of taxes and fees paid by customers of public utility -- automatic rate adjustment and tracking for taxes and fees. (1) A public utility may separately disclose in a customer's bill the amount of state and local taxes and fees assessed against the public utility that the customer is paying.

(2) (a) (i) ~~The~~ Except as provided in [section 2], the commission shall allow a public utility to file rate schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and fees, except state income tax, paid by the public utility. The resulting rate schedule changes must include:

(A) adjustments for the net change in federal and state income tax liability caused by the deductibility of state and local taxes and fees;

(B) retroactive tax adjustments; and

(C) adjustments related to the resolution of property taxes paid under protest.

(ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases and decreases.

(b) The amended rates must automatically go into effect on January 1 following the date of change in taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c).

(c) The amended rate schedule must be filed with the commission on or before the effective date of the change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public utility to address any errors or omissions including, if necessary, any refunds due customers.

(d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval on the part of the commission.

(e) A public utility may challenge an order issued by the commission under subsection (2)(c) in accordance with the provisions of 69-3-401 through 69-3-405.""
Renumber: subsequent sections

5. Page 14, line 25.
Following: "(8)"
Insert: "(a)"

6. Page 14.
Following: line 26
Insert: "(b) The department of fish, wildlife, and parks shall report to the legislative finance committee at least biannually on expenditures made in the implementation of this part."

7. Page 20.
Following: line 8
Insert: "Section 17. Section 87-2-903, MCA, is amended to read:

"87-2-903. (Temporary) Compensation, fees, and duties of agents -- penalty for late submission of license money. (1) License agents, except salaried employees of the

department, must receive for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined under subsection (9) and by rules adopted pursuant to subsection (10).

(2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit collection of the convenience fee provided for in this subsection.

(3) Each license agent shall submit to the department the money received from the sale of licenses and aquatic invasive species prevention passes and from donations received pursuant to 87-1-293, less the appropriate commission and convenience fee.

(4) Each license agent shall submit to the department copies of each paper license sold.

(5) The department may charge license agents appointed after March 1, 1998, an electronic license system fee not to exceed actual costs.

(6) The department may designate classes of license agents and may establish a protocol for each class of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the department, the director, the wardens, or the legislative auditor.

(7) For purposes of this section, the term "transaction" includes the sale of any license or permit, collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not include donations collected pursuant to 87-1-293 or the sale of aquatic invasive species prevention passes pursuant to [section 1].

(8) If a license agent fails to submit to the department all money received from the declared sale of licenses and aquatic invasive species prevention passes and from donations received pursuant to 87-1-293, less the appropriate commission and convenience fee, by the deadline established by the department, an interest charge equal to the rate charged under 15-1-216 may be assessed. Acceptance of late payments with interest does not preclude the department from summarily revoking the appointment of a license agent under 87-2-904.

(9) A license agent, except for an electronic service provider, must receive a commission of 50 cents for each ticket the agent processes for a hunting license lottery held pursuant to 87-1-271.

(10) The department may adopt rules necessary to implement this section. (Terminates June 30, 2019--sec. 7, Ch. 83, L. 2013.)

87-2-903. (Effective July 1, 2019) Compensation, fees, and duties of agents -- penalty for late submission of license money. (1) License agents, except salaried employees of the department, must receive for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined under subsection (9) and by rules adopted pursuant to subsection (10).

(2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit collection of the convenience fee provided for in this subsection.

(3) Each license agent shall submit to the department the money received from the sale of licenses and aquatic invasive species prevention passes, less the appropriate commission and convenience fee.

(4) Each license agent shall submit to the department copies of each paper license sold.

(5) The department may charge license agents appointed after March 1, 1998, an electronic license system fee not to exceed actual costs.

(6) The department may designate classes of license agents and may establish a protocol for each class of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the department, the director, the wardens, or the legislative auditor.

(7) For purposes of this section, the term "transaction" includes the sale of any license or permit, collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not include the sale of aquatic invasive species prevention passes pursuant to [section 1].

(8) If a license agent fails to submit to the department all money received from the declared sale of licenses and aquatic invasive species prevention passes, less the appropriate commission and convenience fee, by the deadline established by the department, an interest charge equal to the rate charged under 15-1-216 may be assessed. Acceptance of late payments with interest does not preclude the department from summarily revoking the appointment of a license agent under 87-2-904.

(9) A license agent, except for an electronic service provider, must receive a commission of 50 cents for each ticket the agent processes for a hunting license lottery held pursuant to 87-1-271.

(10) The department may adopt rules necessary to implement this section.""

Renumber: subsequent sections

8. Page 21, line 13.
Strike: "6"
Insert: "7"

9. Page 21, line 19.
Strike: "5, 12, 13, 14, AND 15"
Insert: "6, 13, 14, 15, 16, and 17"

10. Page 21, line 21.
Strike: "6(6)"
Insert: "7(6)"

11. Page 21, line 22.
Strike: "5"
Insert: "6"

For the Senate:

Vincent, Chair
Olszewski
Phillips

For the House:

Cuffe, Vice Chair
Z. Brown
Noland

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 562**
Report No. 001, April 24, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 562** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 562** (reference copy -- salmon) be amended as follows:

1. Page 1, line 28.
Following: "HOURS"
Insert: "to be performed within the county or municipality in which the person resides"

2. Page 2, line 22.
Following: "HOURS"
Insert: "to be performed within the county or municipality in which the person resides"

3. Page 4, line 13.
Following: "HOURS"
Insert: "to be performed in the county or municipality in which the person resides"

For the Senate:	For the House:
Vance, Chair	Usher, Vice Chair
Buttrey	Court
Whitford	C. Knudsen

MOTIONS

Senator C. Smith moved to change his second-reading vote on **HB 83** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved the Senate authorize the President to appoint a Conference Committee on **SB 374** and request the House to appoint a like committee. Without objection, so ordered. President Sales appointed: 4/24/2017

Senator Ankney, Chair
Senator Connell
Senator Wolken

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 4:00 p.m. this day. Motion carried. Senate recessed at 1:50 p.m.

Senate reconvened at 4:00 p.m., President Sales presiding. Forty-eight members present, Senators Hoven and Osmundson excused.

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **Senate bill** concurred in and returned to the Senate: 4/24/2017

SB 155, introduced by M. Lang

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/24/2017

HB 360, introduced by B. Hamlett

Governor's amendments to **House bills not** concurred in and transmitted to the Senate for consideration of Governor's amendments: 4/24/2017

HB 198, introduced by K. Wagoner
HB 334, introduced by J. Knokey
HB 358, introduced by M. Noland
HB 494, introduced by S. Berglee

SB 359 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 359:** 4/24/2017

Representative Lavin, Vice Chair
Representative Abbott
Representative A. Hertz

SB 368 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 368:** 4/24/2017

Representative Manzella, Vice Chair
Representative Bennett
Representative Mandeville

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 376 - Majority Leader Thomas moved consideration of **HB 376** be passed for the day. Without objection, so ordered.

SB 363 - **Free Conference Committee Report No. 1** - Senator Vincent moved the Free Conference Committee report to **SB 363** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Keenan, MacDonald, Malek, McNally, Moore, Olszewski, Phillips, Pomnichowski, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Wolken, Mr.President.
Total 33

Nays: Brown, Caferro, Connell, Facey, Kary, Lang, McClafferty, Regier, Richmond, Sesso, Smith F, Vuckovich, Webb, Welborn, Whitford.
Total 15

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

SB 366 - **Conference Committee Report No. 2** - Senator Cohenour moved the Conference Committee report to **SB 366** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Regier, Smith C, Webb, Mr.President.
Total 12

Absent or not voting: None.

Total 0

Excused: Hoven, Osmundson.
Total 2

HB 562 - **Conference Committee Report No. 1** - Senator Vance moved the Conference Committee report to **HB 562** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Malek, McClafferty, McNally, Moore, Olszewski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 40

Nays: Barrett, Boland, Cohenour, Connell, Gross, MacDonald, Phillips, Pomnichowski.
Total 8

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hoven, Osmundson.
Total 2

MOTIONS

Majority Leader Thomas moved that **HB 226** be taken from the Taxation Committee and placed on second reading the next legislative day. Without objection, so ordered.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 359**
Report No. 001, April 24, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 359** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 359** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9.
Following: "INFRASTRUCTURE;"
Insert: "PROVIDING A REDUCED TAX RATE FOR DEDICATED COMMUNICATIONS INFRASTRUCTURE FOR A 15-YEAR PERIOD;"

2. Page 1, line 22 through page 2, line 22.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Class seventeen property -- description -- taxable percentage.** (1) Class seventeen property includes the land, improvements, furniture, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135 of a qualified data center.

(2) (a) "Qualified data center" means the land, improvements, and personal property of a facility designed or modified to house networked computers or equipment supporting computing, networking, or data storage that is:

(i) composed of one or more buildings under single ownership on contiguous parcels of land that consist of at least 300,000 square feet, where the total cost of land, improvements, personal property, and software is at least $150 million; and

(ii) commences construction after June 30, 2017.

(b) The term includes but is not limited to:

(i) cooling systems, cooling towers, and other temperature infrastructure;

(ii) power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the facility, such as exterior dedicated business-owned substations, backup power generation systems, battery systems, and related infrastructure; and

(iii) any other equipment necessary for the maintenance and operation of the facility.

(3) During construction, property not meeting the requirements of subsection (2) must be classified as class seventeen property if, prior to March 1 of the first tax year for which the

classification will be applied, the taxpayer certifies to the department that the facility under construction will meet the requirements of subsection (2) within 2 years of the date of the certification.

(4) The taxable property of a qualified data center must be locally assessed.

(5) (a) Class seventeen property includes centrally assessed interstate or intrastate dedicated communications infrastructure that is owned or leased by the owner of a qualified data center and is composed of telecommunication or data lines, equipment, and services, including but not limited to copper or fiber optic lines or microwave, satellite, or other wireless communication systems.

(b) To qualify under this subsection (5), construction of the owned or leased interstate or intrastate communications infrastructure must commence after June 30, 2017, and before July 1, 2027, and must satisfy the criteria of this section.

(c) Dedicated communications infrastructure provided for in this subsection (5) is taxed at the rate provided for in subsection (6) for a period of 15 years from the time that construction commences. After the 15-year period, the dedicated communications infrastructure is taxed as class thirteen property at the rate provided in 15-6-156.

(6) Class seventeen property is taxed at 0.9% of its market value."

3. Page 3, line 4.
Strike: "and"

4. Page 3, line 5.
Following: "companies"
Insert: "; and

(e) dedicated communications infrastructure described in [section 1(5)] for which construction commenced after June 30, 2027, or for which the 15-year period provided for in [section 1(5)(c)] has expired"

5. Page 3, line 16.
Strike: "property"
Insert: "qualified data centers"

6. Page 4, line 13.
Strike: "[section 1(2)(a)]"
Insert: "[section 1(5)]"

For the Senate:

Blasdel, Chair
Malek
R. Webb

For the House:

Lavin, Vice Chair
Abbott
A. Hertz

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 10:30 a.m., Tuesday, April 25, 2017, the eighty-fifth legislative day. Motion carried.

Senate adjourned at 4:14 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 25, 2017 — State Capitol

Senate convened at 10:30 a.m. President Sales presiding. Invocation by Senator Thomas. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Hoven excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/25/2017
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-first through the eightieth legislative days, find the same to be correct.

Correctly printed: **HB 226**.
Correctly engrossed: **HB 586**.
Correctly enrolled: **SB 26**, **SB 123**, **SB 138**, **SB 172**, **SB 177**, **SB 183**, **SB 321**, **SB 339**, **SJ 6**, **SJ 11**, **SJ 16**.
Examined by the sponsor and found to be correct: **SB 11**, **SB 15**, **SB 22**, **SB 24**, **SB 26**, **SB 30**, **SB 57**, **SB 138**, **SB 140**, **SB 160**, **SB 166**, **SB 183**, **SB 235**, **SB 276**, **SB 302**, **SB 303**, **SB 321**, **SB 324**, **SB 336**, **SB 339**, **SB 342**, **SB 362**, **SB 372**, **SJ 6**, **SJ 11**, **SJ 16**.
Transmitted to the House: **HB 294**.
Signed by the President at 12:30 p.m., April 24, 2017: **SB 345**.
Signed by the Secretary of the Senate at 7:10 a.m., April 25, 2017: **SB 345**.
Delivered to the Governor at 8:30 a.m., April 25, 2017: **SB 270**.
Delivered to the Governor at 4:59 p.m., April 25, 2017: **SB 184**.
Delivered to the Secretary of State at 10:17 a.m., April 25, 2017: **SJ 15**.

MESSAGES FROM THE GOVERNOR

April 24, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 314** (SB 314), "AN ACT GENERALLY REVISING LAWS GOVERNING OPERATION OF MOTORCYCLES AND QUADRICYCLES; EXEMPTING A MOTORCYCLE OR QUADRICYCLE THAT IS NOT BEING

OPERATED ON A PAVED HIGHWAY FROM CERTAIN EQUIPMENT AND OPERATION REQUIREMENTS; PROVIDING THAT A DRIVER'S LICENSE IS NOT REQUIRED TO OPERATE A MOTORCYCLE OR QUADRICYCLE ON AN UNPAVED HIGHWAY; ALLOWING A PERSON UNDER 12 YEARS OF AGE TO OPERATE A MOTORCYCLE OR QUADRICYCLE UNDER CERTAIN CIRCUMSTANCES; REQUIRING REASONABLE AND PRUDENT OPERATION OF A MOTORCYCLE OR QUADRICYCLE AT ALL TIMES; PROVIDING EXCEPTIONS FROM OPERATION AND EQUIPMENT REQUIREMENTS FOR QUADRICYCLES BEING OPERATED FOR AGRICULTURAL PURPOSES; AND AMENDING SECTIONS 23-2-824, 61-8-359, 61-9-101, AND 61-9-109, MCA."

SB 314 makes common sense changes to laws that govern the operation of motorcycles and four-wheelers. The bill currently does not specify an effective date. For Montanans and their families to take advantage of the new changes as soon as possible, I am returning SB 314 with amendments for an immediate effective date.

I respectfully ask that you support these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 314
Reference Copy
Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 24, 2017 (7:03am)

1. Title, line 12.
Strike: "AND"

2. Title, line 13.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5, line 5.
Insert: "NEW SECTION. **Section 5. {standard} Effective date.**
[This act] is effective on passage and approval."

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/24/2017

SB 198, introduced by M. Caferro
SB 199, introduced by M. Caferro
SB 233, introduced by M. Caferro
SB 250, introduced by N. Swandal
SB 309, introduced by L. Whitford
SB 310, introduced by L. Whitford

Senate joint resolutions concurred in and returned to the Senate: 4/24/2017

SJ 3, introduced by C. Wolken
SJ 9, introduced by M. Phillips
SJ 20, introduced by J. Small
SJ 21, introduced by D. Sands
SJ 27, introduced by G. Vance

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/24/2017

SB 168, introduced by S. Malek

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments: 4/24/2017

SJ 5, introduced by M. Phillips

House joint resolutions passed and transmitted to the Senate for concurrence: 4/24/2017

HJ 41, introduced by K. Kelker
HJ 42, introduced by N. McConnell

HB 198 - The House failed to concur in Governor's amendments to **HB 198,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Governor's amendments to **HB 198:** 4/24/2017

Representative Bartel
Representative Curtis
Representative Wagoner

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 41, introduced by K. Kelker, referred to Judiciary.
HJ 42, introduced by N. McConnell, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 226 - Senator Blasdel moved **HB 226** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 37

Nays: Barrett, Boland, Caferro, Cohenour, Gross, Hinkle, MacDonald, McClafferty, Phillips, Pomnichowski, Tempel, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Barrett, Pomnichowski.
Total 2

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 363, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken, Mr.President.
Total 39

Nays: Brown, Fielder, Hinebauch, Hinkle, Kary, Lang, Regier, Richmond, Webb, Welborn.
Total 10

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

SB 366, **Free Conference Committee Report No. 2**, adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 294, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 562, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 33

Nays: Barrett, Boland, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich.
Total 16

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 133, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 37

Nays: Blasdel, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Lang, Olszewski, Smith C, Vance, Welborn, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 387, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Regier, Smith C, Vance, Vincent, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 434, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Regier.
Total 1

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 103, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick,

Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Lang, Moore, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 17

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 209, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 40

Nays: Fielder, Hinebauch, Hinkle, Howard, Keenan, Smith C, Swandal, Vance, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

HB 360, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Smith F.
Total 1

Absent or not voting: None.
Total 0

Excused: Hoven.
Total 1

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee on **HB 198**. Without objection, so ordered. President Sales appointed Senator Brown, chair, and Senators Buttrey and Wolken.

ANNOUNCEMENTS

Majority Leader Thomas move the Senate recess until 1:00 p.m. this day. Motion carried. Senate recessed at 10:43 a.m.

Senate reconvened at 1:00 p.m. President Sales presiding. Forty-seven members present, Senators Hoven, Moore, and Fielder excused.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 368**
Report No. 001, April 25, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 368** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 368** (reference copy -- salmon) be amended as follows:

1. Page 9, line 5.
Strike: "ATTORNEY GENERAL"
Insert: "commissioner"

2. Page 9, line 6 through line 10.
Strike: "AN AGREEMENT" on line 6 through "THIS SECTION." on line 10

3. Page 9, line 20.
Strike: "AND"

4. Page 9, line 25.
Following: "~~chapter~~"
Insert: "; and
(5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter"

5. Page 12, line 18.
Following: "MEDIATOR"
Insert: "from the list"

For the Senate:	For the House:
Richmond, Chair	Manzella, Vice Chair
Sesso	Bennett
Thomas	Mandeville

FREE CONFERENCE COMMITTEE
on **House Bill 639**
Report No. 001, April 25, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 639** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 639** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.
Following: "CENTER;"
Insert: "ESTABLISHING A TEMPORARY COMMUNITY BENEFIT ASSESSMENT FOR CERTAIN HOSPITALS;"

2. Title, page 1, line 9.
Following: "PROVIDING"
Strike: "AN"
Strike: "DATE"
Insert: "DATES AND A TERMINATION DATE"

3. Page 2.
Following: line 16
Insert: "NEW SECTION. **Section 4. Hospital community benefit assessment.** (1) A hospital shall pay to the department of public health and human services a hospital community benefit assessment no later than June 29 of fiscal years 2017, 2018, and 2019. All proceeds from the assessment must be deposited into the general fund.
(2) For purposes of this section, "hospital" means a facility licensed as a hospital

pursuant to Title 50, chapter 5, and does not include a critical access hospital, a children's psychiatric hospital, or the Montana state hospital.

(3) The following amounts are imposed as the annual community benefit assessment:

(a) for Advanced Care Hospital in Billings, $122,000;

(b) for Benefis Health System in Great Falls, $696,600;

(c) for Billings Clinic, $835,300;

(d) for Bozeman Health Big Sky Medical Center, $2,900;

(e) for Bozeman Health, $242,000;

(f) for Community Medical Center in Missoula, $278,000;

(g) for Great Falls Clinic Medical Center, $16,790;

(h) for Health Center Northwest, $19,100;

(i) for Kalispell Regional Medical Center, $420,180;

(j) for Northern Montana Hospital in Havre, $51,400;

(k) for St. James Healthcare in Butte, $139,900;

(l) for Providence St. Patrick Hospital in Missoula, $534,200;

(m) for St. Peter's Hospital in Helena, $345,225; and

(n) for St. Vincent Healthcare in Billings, $647,180."

Renumber: subsequent sections

4. Page 4.

Following: line 27

Insert: "COORDINATION SECTION. **Section 9. Coordination instruction.** If both [this act] and House Bill No. 2 are passed and approved, then the following line item is inserted in Section B of House Bill No. 2 under "Director's Office":

"b. Tracking Operational and Performance Program Measures (OTO/Biennial) $100,000 [General Fund FY 2018] $100,000 [Federal Special Revenue FY 2018] $100,000 [General Fund FY 2019] $100,000 [Federal Special Revenue FY 2019]""

Insert: "COORDINATION SECTION. **Section 10. Coordination instruction.** If both [this act] and House Bill No. 2 are passed and approved, then the following language must be inserted in Section B of House Bill No. 2 under "Department of Public Health and Human Services":

"Tracking Operational and Performance Program Measures must be utilized for the analysis and creation of a metrics-based blueprint for select department of public health and human service programs, with a primary focus on the child and family services division and a specified initiative identified as having a high impact on the health of Montanans, and for the department to track operational and program performance measures related to the following:

(1) improved health of women and children, including:

(a) proportion of women smoking during pregnancy;

(b) proportion of pregnant women who report entering prenatal care in the first trimester;

(c) proportion of pregnant women receiving medicaid services who report entering prenatal care in the first trimester;

(d) proportion of high school students using tobacco products or nicotine products in the past 30 days;

(2) improved health of medicaid members, including the proportion of medicaid members receiving preventative services;

(3) operational efficiencies, including:

(a) proportion of payments issued electronically; and

(b) proportion of help desk tickets to technologically support the workforce; and

(4) the efficacy of the protect Montana kids commission proposals that were enacted by the 65th legislature.""

Insert: "COORDINATION SECTION. **Section 11. Coordination instruction.** If both [this act] and House Bill No. 2 are passed and approved, then the general fund appropriation to the department of public health and human services under "Human and Community Services Division" in Section B of House Bill No. 2 must be increased from $33,087,934 to $36,087,934 in the fiscal year beginning July 1, 2017, and increased from $33,049,762 to $36,049,762 in the fiscal year beginning July 1, 2018."

Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If both [this act] and House Bill No. 2 are passed and approved, then the following language must be inserted in Section B of House Bill No. 2 under "Human and Community Services Division":

The increased appropriations provided in [section 11 of House Bill No. 639] to the Stars to Quality Program are one time only and are not to be included in the base in the 2021 budget planning process. The increased appropriations are to expand the program and increase access to preschool for 4- and 5-year-old children. The department shall use the money to create and support pilot programs to test multiple delivery models, including public programs, private programs, and mixed delivery programs through public-private partnerships. The department may use funds to support preschool programs, including startup and training costs. In establishing the pilot programs, the department shall ensure that pilot programs are included in programs in rural and urban areas. The department shall file a report with the 2019 legislature and present the report to the education and local government committee, the legislative finance committee, and the children, families, health, and human services committee by September 1, 2018. The report must:

(1) address the demand for programs and the impact on current providers, with a specific focus on rural communities;

(2) evaluate the benefits and disadvantages of various delivery models;

(3) analyze advancements in kindergarten readiness for children participating in the programs; and

(4) make recommendations for the program."

Insert: "NEW SECTION. **Section 13. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

5. Page 4, line 29.

Strike: section 8 in its entirety

Insert: "NEW SECTION. **Section 14. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2017.

(2) [Section 4] and this section are effective on passage and approval."

Insert: "NEW SECTION. **Section 15. Termination.** [Section 4] terminates June 30, 2019."

For the Senate:	For the House:
L. Jones, Chair	Ballance, Vice Chair
Moore	Cook
Sesso	Ryan

MESSAGES FROM THE OTHER HOUSE

Senate joint resolutions concurred in and returned to the Senate: 4/25/2017

SJ 23, introduced by F. Thomas
SJ 25, introduced by R. Webb

Governor's amendments to **Senate bills** concurred in and returned to the Senate: 4/25/2017

SB 127, introduced by M. Moe
SB 155, introduced by M. Lang
SB 189, introduced by K. Regier

House joint resolutions passed and transmitted to the Senate for concurrence: 4/25/2017

HJ 33, introduced by B. Bennett
HJ 43, introduced by K. White

Governor's amendments to **House bills** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/25/2017

HB 209, introduced by B. Usher
HB 360, introduced by B. Hamlett

Conference Committee Report No.1 adopted: 4/25/2017

SB 333, introduced by M. Caferro
HB 133, introduced by N. McConnell
HB 434, introduced by K. Flynn
HB 562, introduced by C. Knudsen

Free Conference Committee Report No.1 adopted: 4/25/2017

SB 248, introduced by M. Blasdel
SB 363, introduced by C. Vincent
SB 366, introduced by J. Cohenour
HB 387, introduced by K. Wagoner
HB 462, introduced by F. Garner

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Swandal in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 5 - **House Amendments** - Senator Phillips moved House amendments to **SJ 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 31

Nays: Blasdel, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.
Total 16

Absent or not voting: None.
Total 0

Excused: Fielder, Hoven, Moore.
Total 3

SB 314 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **SB 314** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Brown, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: Fielder, Hoven, Moore.
Total 3

Senator Fielder present at this time.

HB 367 - **Governor's Amendments** - Senator Vuckovich moved Governor's amendments to **HB 367** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Hoven, Moore.
Total 2

SB 359 - **Free Conference Committee Report No. 1** - Senator Blasdel moved the Free Conference Committee report to **SB 359** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 37

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, McClafferty, Phillips, Pomnichowski, Sands, Smith F, Vuckovich.
Total 11

Absent or not voting: None.
Total 0

Excused: Hoven, Moore.
Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Swandal moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Cohenour, Gross.
Total 3

Absent or not voting: None.
Total 0

Excused: Hoven, Moore.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 4:30 p.m. this day. Motion carried. Senate recessed at 1:20 p.m.

Senate reconvened at 4:30 p.m., President Sales presiding. Forty-four members present. Senators Brown, Facey, Fielder, Hoven, Osmundson and Sesso excused.

MOTIONS

Senator Malek moved the Senate **suspend joint rule 40-200** to allow for late transmittal of **SB 168** from the House. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Gauthier, Gross, Hinkle, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 25

Nays: Blasdel, Connell, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: Brown, Facey, Fielder, Hoven, Osmundson, Sesso.
Total 6

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 368 - **Conference Committee Report No. 1** - Senator Richmond moved the Conference Committee report to **SB 368** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 41

Nays: Hinkle, Howard, Olszewski.
Total 3

Absent or not voting: None.
Total 0

Excused: Brown, Facey, Fielder, Hoven, Osmundson, Sesso.
Total 6

Senators Facey, Osmundson, and Sesso present at this time.

HB 639 - **Free Conference Committee Report No. 1** - Senator Keenan moved the Free Conference Committee report to **HB 639** be **not** adopted.

HB 639 - **Conference Committee Report No. 1** - Senator L. Jones made a **substitute motion** that the Conference Committee report to **HB 639** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas,

Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Hoven.
Total 3

HB 639 - **Conference Committee Report No. 1** -Committee report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 32

Nays: Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Hoven.
Total 3

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 40

Nays: Hinebauch, Howard, Keenan, Olszewski, Smith C, Swandal, Webb.

Total 7

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Hoven.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 11:00 a.m., Wednesday, April 26, 2017, the eighty-sixth legislative day. Motion carried.

Senate adjourned at 4:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 26, 2017 — State Capitol

Senate convened at 11:00 a.m. President Sales presiding. Invocation by Senator Olszewski. Pledge of Allegiance to the Flag.

Roll Call. Forty-three members present. Senators Brown, Fielder, Jones, Keenan, Malek, Moore, and Sesso excused.

BILLS AND JOURNALS (Keenan, Chair): 4/26/2017
Correctly printed: **HB 586**.
Correctly engrossed: **HB 376**.
Correctly enrolled: **SB 59**, **SB 63**, **SB 64**, **SB 94**, **SB 111**, **SB 127**, **SB 143**, **SB 153**, **SB 155**, **SB 159**, **SB 173**, **SB 174**, **SB 189**, **SB 193**, **SB 196**, **SB 198**, **SB 205**, **SB 218**, **SB 233**, **SB 248**, **SB 258**, **SB 272**, **SB 293**, **SB 295**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 333**, **SB 337**, **SB 340**, **SB 341**, **SB 363**, **SB 366**.
Examined by the sponsor and found to be correct: **SB 59**, **SB 63**, **SB 64**, **SB 90**, **SB 94**, **SB 111**, **SB 123**, **SB 143**, **SB 153**, **SB 159**, **SB 172**, **SB 173**, **SB 174**, **SB 177**, **SB 193**, **SB 196**, **SB 198**, **SB 205**, **SB 218**, **SB 233**, **SB 258**, **SB 272**, **SB 293**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 333**, **SB 337**, **SB 340**, **SB 341**, **SB 363**, **SB 366**.
Transmitted to the House: **HB 226**, **HB 376**, **HB 586**.
Signed by the President at 3:03 p.m., April 26, 2017: **SB 26**, **SB 138**, **SB 183**, **SB 321**, **SB 339**, **SJ 6**, **SJ 11**, **SJ 16**.
Signed by the Secretary of the Senate at 3:30 p.m., April 26, 2017: **SB 26**, **SB 138**, **SB 183**, **SB 321**, **SB 339**, **SJ 6**, **SJ 11**, **SJ 16**.
Signed by the Speaker at 1:30 p.m., April 26, 2017: **SB 307**.
Delivered to the Governor at 1:45 p.m., April 26, 2017: **SB 307**.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 374**
Report No. 001, April 26, 2017

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 374** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 374** (reference copy -- salmon) be amended as follows:

1. Page 2, line 30 through page 3, line 5.

Strike: "MAY:" on page 2, line 30 through "ACCESS." on page 3, line 5
Insert: "and the electric utility may negotiate ownership and maintenance of the extension."

For the Senate:	For the House:
Ankney, Chair	Zolnikov, Vice Chair
Connell	Bishop
Wolken	O'Hara

MESSAGES FROM THE GOVERNOR

April 25, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 55** (SB 55),"AN ACT REVISING LAWS RELATED TO LICENSING, FEES, INSPECTIONS, AND PENALTIES FOR PLANT NURSERIES; REVISING DEFINITIONS; PROVIDING FOR NURSERY LICENSE FEES BASED ON GROSS ANNUAL SALES; EXPANDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 80-7-105, 80-7-106, 80-7-108, 80-7-109, 80-7-110, 80-7-123, 80-7-133, AND 80-7-135, MCA; REPEALING SECTION 80-7-122, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Agriculture is the backbone of Montana's economy, and the landscape and nursery sector is an important part of the industry. The Department of Agriculture (Department) has worked in earnest with the landscape and nursery industry in Montana for years to come up with a bill that works for both parties. Unfortunately, SB 55 in its current form has lost support from the industry.

Respecting the time that has gone into this bill, I am proposing an amendment that will restore the fee schedule to its original form as passed by the Senate. Amending this bill back to the fee schedule presented in that version will allow the industry and the Department to move forward together with a fee schedule that is acceptable to both parties.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 55
Reference Copy
Requested by the Governor

For the Senate Committee of the Whole

Prepared by Susan Byorth Fox
April 25, 2017 (3:03pm)

1. Page 3, line 13 through 22.
Strike: subsection (3) (a) in its entirety
Insert: "(3) (a) The license fees for each location for a firm, nursery, or plant dealer are as follows:

Gross annual sales of nursery stock:	Fee range:
not more than $5,000	$25 to $35
$5,001 to $75,000	$135 to $185
$75,001 to $150,000	$200 to $250
$150,001 to $250,000	$300 to $350
Over $250,000	$400 to $450"

Senators Moore, Keenan, Malek, Sesso, and Jones present at this time.

MOTIONS

Majority Leader Thomas moved the Senate **suspend joint rule 40-200** to accept late transmission of **SB 168** from the House and that **SB 168** be placed on second reading this day. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vincent, Vuckovich, Whitford, Wolken.
Total 33

Nays: Ankney, Connell, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Tempel, Vance, Webb, Welborn, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

Majority Leader Thomas moved the Senate **suspend rule S50-190** to allow bills which pass second reading this day to be placed on third reading this same day. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 376 - Senator Thomas moved **HB 376** be concurred in.

HB 376 - Senator Salomon moved **HB 376**, second reading copy, be amended as follows:

1. Title, page 1, line 11 through line 14.
Strike: "DEFINING" on line 11 through "RENEWALS;" on line 14
Insert: "DEFINING "CHARTER SCHOOL"; PROVIDING A PROCESS THROUGH WHICH SCHOOL DISTRICT TRUSTEES MAY ESTABLISH A CHARTER SCHOOL AND EXPECTATIONS FOR THE OPERATION OF A CHARTER SCHOOL;"

2. Page 1.

Following: line 16
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Public Charter Schools Act"."

Insert: "NEW SECTION. **Section 2. Legislative intent -- charter school defined.** (1) [Sections 1 through 5] are intended to provide an alternative means within the public school system for personalizing learning while ensuring the necessary outcomes of education by offering opportunities for school district trustees, in collaboration with communities and school district staff, to establish and maintain charter schools that are under the supervision and control of the elected school boards pursuant to Article X, section 8, of the Montana constitution, subject to general supervision of the board of public education pursuant to Article X, section 9(3), of the Montana constitution.

(2) As used in [sections 1 through 5], "charter school" means a public school that is established and governed by a board of trustees of a public school district as defined in 20-6-101 for one or more of the purposes set forth in [section 3] and that exclusively serves children who are residents of the district or children attending outside their resident district pursuant to 20-5-321.

(3) In order to promote the flexible operation of a charter school, a school district operating a charter school may seek a variance to accreditation requirements through a procedure adopted by the board of public education.

(4) A charter school may be maintained in a separate facility or in an existing school facility if the charter school is operated independently from the other school in the shared facility.

(5) Each charter school shall offer a general curriculum appropriate to the grades offered at the charter school but may include one or more special programs as part of its curriculum. A charter school may be organized around a special emphasis, theme, or concept or may utilize innovative educational methods or practices, including proficiency-based learning consistent with the provisions of 20-9-311 and 20-1-301.

(6) In providing distance learning opportunities, a charter school shall:

(a) for K-12 curriculum, exclusively use the Montana digital academy established in 20-7-1201;

(b) for dual credit purposes, use:

(i) the Montana digital academy;

(ii) a unit of the Montana university system as referenced in 20-25-201; or

(iii) a community college district as referenced in 20-15-101; and

(c) comply with the rules regarding the calculation of average number belonging set forth in 20-9-311.

(7) The opening of a charter school established pursuant to [sections 1 through 5] is exempt from the limitations on opening or reopening a school under 20-6-502 and 20-6-503."

Insert: "NEW SECTION. **Section 3. Authorization to establish -- purposes.** (1) A charter school may be established and governed by the board of trustees within a school district, either as a new school or as a conversion of an existing school, if a majority of the board of trustees votes for the creation of a charter school. The trustees may convert one or more schools to charter schools and nothing in [sections 1 through 5] precludes the board of

trustees from converting all schools of the district to charter schools.

(2) In the case of a conversion of an existing school or creation of a new charter school, the board shall negotiate salary, benefits, and working conditions with affected labor groups.

(3) The board of trustees of any school district defined in 20-6-101 may establish a charter school as a means of providing new opportunities for:

(a) improved pupil learning;

(b) increased learning opportunities for pupils in special areas of emphasis in accordance with themes established for charter schools; or

(c) creative and unconventional instructional techniques and structures.

(4) A school district establishing a charter school under this section may apply to the board of public education for variances to any standards set forth in board of public education rules, excluding standards pertaining to teacher licensure or endorsement. The procedure for applying for variances to standards of the board of public education must be set forth in board of public education rules, and the determination regarding whether to waive any standards must be in the sole discretion of the board of public education."

Insert: "NEW SECTION. **Section 4. Expectations**. (1) A charter school shall provide an education that meets or exceeds the requirements of the Montana constitution, state law, and school accreditation standards except as specifically otherwise approved through a variance to standards by the board of public education.

(2) To be established pursuant to a vote of the board of trustees or the qualified electors, a charter school shall, at a minimum, guarantee the following:

(a) elected school board governance, supervision, and control over the charter school and its operations;

(b) unrestricted, open student access for all children who are residents of the district or children subject to attendance with mandatory approval pursuant to 20-5-321;

(c) compliance with all health and safety laws;

(d) teacher licensure and endorsement to the same extent as required or provided by state law or accreditation standards;

(e) employee collective bargaining to the same extent as required or provided by state law; and

(f) a plan for soliciting input on vital formation and implementation issues from community members and school district staff through the formation of advisory committees, the conduct of properly noticed public meetings for purposes of hearing comment, or any other reasonable means that result in an opportunity for input by staff and community members prior to a decision of significant interest on establishing a charter school."

Insert: "NEW SECTION. **Section 5. Termination.** A school district may discontinue an approved charter school upon completion of any school fiscal year. If the district decides to discontinue a charter school, it shall promptly notify the board of public education in writing."

Insert: "NEW SECTION. **Section 6. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: "NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 through 5]."

Insert: "NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2017."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 38

Nays: Facey, Hinebauch, Hinkle, Keenan, Olszewski, Smith C, Smith F, Vance, Webb, Mr.President.
Total 10

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

HB 376 - Bill, as amended, was concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 32

Nays: Barrett, Boland, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McNally, Pomnichowski, Sands, Sesso, Tempel, Welborn, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

HB 586 - Senator Richmond moved **HB 586** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 42

Nays: Hinebauch, Hinkle, Hoven, Vance, Welborn, Mr.President.
Total 6

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 46

Nays: Smith F, Whitford.
Total 2

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 314, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Boland, Cohenour, Smith F.
Total 3

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 359, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 37

Nays: Barrett, Boland, Caferro, Cohenour, Gross, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands.
Total 11

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 368, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.
Total 42

Nays: Boland, Cohenour, Malek, McNally, Smith F, Wolken.
Total 6

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SJ 5, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 30

Nays: Blasdel, Hinebauch, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

HB 226 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Wolken.
Total 33

Nays: Barrett, Boland, Caferro, Cohenour, Gross, Hinkle, MacDonald, McClafferty, Pomnichowski, Sands, Smith F, Tempel, Welborn, Whitford, Mr.President.
Total 15

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

HB 639, **Free Conference Committee Report No. 1**, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier,

Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.
Total 34

Nays: Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Vance, Webb, Welborn, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

HB 376 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Mr.President.
Total 32

Nays: Barrett, Boland, Cohenour, Facey, Gross, Hoven, MacDonald, Malek, McNally, Pomnichowski, Sands, Smith F, Tempel, Welborn, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

HB 586 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 44

Nays: Hoven, Vance, Welborn, Mr.President.
Total 4

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Keenan addressed the Senate about the appropriations process and rules related to companion bills.

ANNOUNCEMENTS

Majority Leader Thomas moved the Senate recess until 2:00 p.m. this day. Senate recessed at 12:22 p.m.

Senate reconvened at 2:00 p.m. President Sales presiding. Forty-eight members present, Senators Brown and Fielder excused.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 95**
Report No. 001, April 26, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 95** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 95** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.
Strike: "TRANSFERS AND OTHER"

2. Title, page 1, line 5.
Following: "ACT;"
Insert: "ESTABLISHING A TEMPORARY STATE LANDS REIMBURSEMENT BLOCK GRANT; PROVIDING FOR LEGISLATIVE INTENT; CREATING A BUREAU OF CRIME CONTROL; PROVIDING TRANSITION INSTRUCTIONS; REQUIRING REPORTING ON THE TRANSITION OF ALLOCATING THE BOARD OF CRIME CONTROL TO THE DEPARTMENT OF CORRECTIONS FOR ADMINISTRATIVE PURPOSES;"

3. Title, page 1, line 17.
Strike: "AN"

Strike: "DATE"
Insert: "DATES AND A TERMINATION DATE"

4. Page 1, line 23 through 27.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Legislative intent.** The legislature intends that for the biennium beginning July 1, 2017, the department of corrections will amend its contract with Great Falls Pre-Release Services, Inc., to remove the contract language related to the "Booters" as a result of the passage of House Bill No. 650. The legislature further intends that the department of corrections work cooperatively with Great Falls Pre-Release Services, Inc., to develop an alternative purpose for the contract that is mutually agreeable to both organizations."
Insert: "NEW SECTION. **Section 2. Crime control bureau.** There is a bureau within the office of the director called the crime control bureau. The purpose of the bureau is to provide staff and support to the board of crime control established in 2-15-2006."
Insert: "NEW SECTION. **Section 3. Transition instructions and reporting.** (1) The staff of the board of crime control, the department of justice, and the department of corrections shall develop a transition plan to allow for the least impactful transition of the board to the department of corrections. The plan must be presented to the legislative finance committee no later than June 30, 2017.

(2) From July 1, 2017, to December 31, 2017, the staff of the board of crime control, in collaboration with the department of corrections, shall implement the plan to fully transition the board to the department of corrections by January 1, 2018, in a manner that ensures the least amount of:

(a) delay in grant recipients receiving funds;
(b) impact in reporting for affected grant recipients; and
(c) impact for transitioning grants between DUNS numbers with the federal government.

(3) To the extent transferring a grant from the department of justice to the department of corrections jeopardizes the grant, as determined by the budget director, the grant may not be transferred to the department of corrections.

(4) The department of corrections shall report at least three times to each of the following committees during the biennium beginning July 1, 2017, on the progress of the transition implementation:

(a) the legislative finance committee;
(b) the legislative audit committee;
(c) the law and justice interim committee; and
(d) the local government interim committee."

Insert: "NEW SECTION. **Section 4. State lands reimbursement block grant.** (1) (a) For each fiscal year of the biennium beginning July 1, 2017, the office of public instruction shall provide a state lands reimbursement block grant of $100,000 to each school district in a county with greater than 20% of the county's land area composed of state school trust lands.

(b) The electronic reporting system that is used by the office of public instruction and school districts must be used to allocate the block grant amount into each district's general fund budget as an anticipated revenue source.

(2) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed."

Insert: "NEW SECTION. **Section 5. Codification instruction.** (1) [Section 2] is intended to be codified as an integral part of Title 2, chapter 15, part 23, and the provisions of Title 2, chapter 15, part 23, apply to [section 2].

(2) [Section 4] is intended to be codified as an integral part of Title 20, chapter 9, part 6, and the provisions of Title 20, chapter 9, part 6, apply to [section 4]."

Insert: "COORDINATION SECTION. **Section 6. Coordination instruction.** If both [this act] and House Bill No. 650 are passed and approved and House Bill No. 650 amends 61-3-321, then the section amending 61-3-321 in House Bill No. 650 is void and 61-3-321 must be amended as follows:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees.(1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) ~~Unless~~ (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

~~(a)~~(i) if the vehicle is 4 or less years old, $217;

~~(b)~~(ii) if the vehicle is 5 through 10 years old, $87; and

~~(c)~~(iii) if the vehicle is 11 or more years old, $28.

(b) For a light vehicle with a manufacturer's suggested retail price of more than $150,000 that is 10 years old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus $825.

(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, $61.25; or

(b) if the declared weight is 6,000 pounds or more, $148.25.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, $10; and

(b) under 2,850 pounds, $5.

(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is $61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is $22.75.

(7) (a) ~~The~~ Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.50;

(ii) unless a new set of license plates is being issued, an insurance verification fee of $5, which must be deposited in the account established under 61-6-158;

(iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

(iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(c) For a motor home with a manufacturer's suggested retail price of more than $300,000 that is 10 years old or less, the annual registration fee is the amount provided in subsection (7)(a) plus $800.

(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is $53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50.

(b) An additional fee of $16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, $72; and

(b) 16 feet in length or longer, $152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is $60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of $40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of $20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is $25.

(b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is $25.

(c) The one-time registration fee for golf carts authorized to operate on certain public

streets and highways pursuant to 61-8-391 is $25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of $10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The $10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of $15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that $2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of $6 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the $6 fee, the department of fish, wildlife, and parks shall use $5.37 for state parks, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional $6 fee

provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of $5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.

(22) (a) The $800 and $825 amounts collected based on the manufacturer's suggested retail price in subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle division administration account established in [section 4 of House Bill No. 650].

(b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current fiscal year appropriation for the motor vehicle division administration account established in [section 4 of House Bill No. 650]."

Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If both [this act] and House Bill No. 2 are passed and approved, then the following language must be inserted in Section C of House Bill No. 2:

(1) under "DEPARTMENT OF FISH, WILDLIFE, AND PARKS": "If sufficient federal funds are not received by the department for aquatic invasive species response, then the state special revenue appropriation for aquatic invasive species response may be increased and the federal special revenue decreased by like amounts."

(2) Under "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION": "If sufficient federal funds are not received by the department for aquatic invasive species response, then the state special revenue appropriation for aquatic invasive species response may be increased and the federal special revenue decreased by like amounts.""

Insert: "COORDINATION SECTION. **Section 8. Coordination instruction.** If both [this act] and House Bill No. 650 are passed and approved and House Bill No. 650 amends 2-15-2006, then the section amending 2-15-2006 in House Bill No. 650 is void and 2-15-2006 must be amended as follows:

"2-15-2006. Board of crime control -- composition -- allocation. (1) There is a board of crime control.

(2) The board is allocated to the department ~~for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply~~ of corrections.

(3) The board is composed of 18 members appointed by the governor in accordance with 2-15-124 and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The board shall be representative of state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control

of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens and professional and community organizations, including organizations directly related to delinquency prevention."

Insert: "COORDINATION SECTION. **Section 9. Coordination instruction.** If [this act], House Bill No. 650, and Senate Bill No. 59 are all passed and approved, then:

(1) [section 36 of House Bill No. 650] is void; and

(2) [section 3(1)(f) of Senate Bill No. 59] is void and [section 3(1)(d) of Senate Bill No. 59] must read as follows:

"(d) two employees of the department of corrections selected by the director, one of whom must have expertise in data collection and reporting.""

Insert: "COORDINATION SECTION. **Section 10. Coordination instruction.** If both [this act] and House Bill No. 648 are passed and approved then [section 16 of House Bill No. 648] must be amended to read:

" **Section 16. Reductions to appropriations for fiscal year 2017.** The following appropriations for fiscal year 2017, as enacted in House Bill No. 2 in Ch. 400, Laws of 2015, are reduced as follows:

Department of Justice

~~Agency~~ Legal Services Division from $6,995,799 in general fund to $6,870,799.

Office of Public Instruction

School Facility Reimbursement from $8,586,000 in state special revenue to $0.""

Insert: "COORDINATION SECTION. **Section 11. Coordination instruction.** If [this act], House Bill No. 473, and House Bill No. 650 are passed and approved then:

(1) [section 35 of House Bill No. 650] is void; and

(2) the reference to 15-70-403(8) and 60-3-201(1)(e) in [section 5(2) of House Bill No. 650] must read "15-70-403(2)(b) and (3)(b)"."

Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If [this act], House Bill No. 473, and House Bill No. 650 are passed and approved, then [section 34 of House Bill No. 650] is void."

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If both [this act] and House Bill No. 2 are passed and approved, then the state special revenue appropriations to the department of commerce under "Office of Tourism and Business Development" in Section A of House Bill No. 2 must be increased by $200,000 in fiscal year 2018 and 2019."

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** If House Bill No. 2 and [this act] are passed and approved, then the general fund appropriation for the department of natural resources and conservation under "Water Resources Division" in Section C of House Bill No. 2 must be reduced by $200,000 in the fiscal year beginning July 1, 2017, and $200,000 in the fiscal year beginning July 1, 2018. This reduction is intended to apply to

the funding for the operation of the Montana reserved water rights compact commission."

Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If House Bill No. 2 and [this act] are passed and approved, then the state special revenue fund appropriations for the department of commerce under "Office of Tourism and Business Development" in Section A of House Bill No. 2 must be increased by $100,000 in the fiscal year beginning July 1, 2017, and by $100,000 in the fiscal year beginning July 1, 2018. This increase may only be used to provide grants to entities that address employment barriers through coaching and advocacy, develop skills in managing personal finances, or develop a skilled workforce within the community."

Insert: "COORDINATION SECTION. **Section 16. Coordination instruction.** If House Bill No. 2 and [this act] are both passed and approved, then:

(1) the general fund appropriation for reimbursement block grants in House Bill No. 2 must be increased by $100,000 in each fiscal year of the biennium beginning July 1, 2017, for the purpose of distributing state lands reimbursement block grants as provided in [section 4]; and

(2) the general fund appropriation for BASE aid in House Bill No. 2 must be reduced by $34,000 in fiscal year 2018 and by $42,000 in fiscal year 2019 for the purpose of guaranteed tax base reduction related to the distribution of state lands reimbursement block grants as provided in [section 4]."

Insert: "COORDINATION SECTION. **Section 17. Coordination instruction.** If House Bill No. 2, Senate Bill No. 309, and [this act] are all passed and approved, then the state special revenue appropriation for Office of Tourism and Business Development in House Bill No. 2 must be increased by $110,000 in the year beginning July 1, 2017, and $120,000 in the year beginning July 1, 2018. The funding is restricted to the state-tribal economic development commission for the purposes of Senate Bill No. 309."

Insert: "NEW SECTION. **Section 18. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application's.

Insert: "NEW SECTION. **Section 19. Effective dates.** (1) Except as provided in subsections (2) and (3), [this act] is effective July 1, 2017.

(2) [Sections 9 and 10] and this section are effective on passage and approval.

(3) [Sections 2, 5(1), 6, and 8] are effective January 1, 2018."

Insert: "NEW SECTION. **Section 20. Termination.** [Section 4] terminates June 30, 2019."

For the Senate:	For the House:
L. Jones, Chair	Ballance, Vice Chair
Moore	Brodehl
Sesso	Eck

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 168 - **House Amendments** - Senator Malek moved House amendments to **SB 168** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Connell, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Smith C, Vance, Webb, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 374 - **Conference Committee Report No. 1** - Senator Ankney moved the Conference Committee report to **SB 374** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Kary.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 55 - **Governor's Amendments** - Senator Salomon moved Governor's amendments to **SB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Brown, Fielder.
Total 2

MOTIONS

Majority Leader Thomas moved that **SB 95, Conference Committee** report, be placed on the second reading agenda this day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 95 - **Free Conference Committee Report No. 1** - Senator L. Jones moved the Free Conference Committee report to **SB 95** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 37

Nays: Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Salomon, Smith F, Vance, Webb, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Keenan, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 261**
Report No. 001, April 26, 2017

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 261** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 261** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10 through line 11.
Strike: "AUTHORIZING" on line 10 through "CONDITIONS;" on line 11

2. Title, page 1, line 12 through line 13.
Strike: "PLACING" on line 12 through "ISSUED;" on line 13

3. Title, page 1, line 14.
Strike: "PROVIDING AN APPROPRIATION;"
Insert: "PROVIDING LEGISLATIVE INTENT; PROVIDING FOR ELIMINATION AND REDUCTIONS TO VARIOUS APPROPRIATIONS AND EXPENDITURES BASED ON GENERAL FUND REVENUE RECEIVED IN FISCAL YEARS 2017 AND 2018; IMPOSING NOTIFICATION DUTIES ON THE STATE TREASURER;"

4. Title, page 1, line 15.
Strike: "17-7-205, 17-7-212,"

5. Title, page 1, line 16.

Strike: "AN"
Strike: "DATE"
Insert: "DATES AND A TERMINATION DATE"

6. Page 1, line 20.
Following: "FUND"
Insert: " -- rules for deposits and transfers -- purpose"

7. Page 1, line 22 through page 2, line 15.
Strike: subsections (2) through (5) in their entirety
Insert: "(2) The purpose of the budget stabilization reserve fund is:

(a) to mitigate budget reductions when there is a revenue shortfall; and

(b) when there are funds in excess of the operating reserve level, to:

(i) pay down the debt service on bonds for capital projects previously authorized by the legislature if allowed without penalty by the terms of the bond issuance;

(ii) delay, forego, or reduce the amount of an issuance of bonds authorized by the legislature; and

(iii) allow the funds to remain in the account.

(3) By August 1 of each year, the department of administration shall certify to the legislative fiscal analyst and the budget director the following:

(a) the unaudited, unassigned ending fund balance of the general fund for the prior fiscal year; and

(b) the amount of unaudited general fund revenue and transfers into the general fund received in the prior fiscal year recorded when that fiscal year's statewide accounting, budgeting, and human resource system records are closed. General fund revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102.

(4) For the fiscal years beginning July 1, 2016, through July 1, 2020, if actual general fund revenue exceeds the revenue estimate established pursuant to 5-5-227 for that fiscal year, excess revenue over the amount of revenue that exceeds the revenue estimate by $15 million is allocated as follows:

(a) 50% remains in the general fund; and

(b) 50% is transferred into the budget stabilization reserve fund on or before August 15 of the following fiscal year.

(5) Starting in the fiscal year beginning July 1, 2021, the state treasurer shall transfer, by August 15 of the following fiscal year:

(a) if there is not an operating reserve differential, from the general fund to the budget stabilization reserve fund an amount equal to 50% of the excess revenue for the fiscal year;

(b) if there is an operating reserve differential for the fiscal year, from the general fund to the budget stabilization reserve fund an amount equal to 50% of the excess revenue for the fiscal year less the operating reserve differential; and

(c) if the ending fund balance of the general fund for the prior year is less than 6.8% of the amount of all general fund appropriations in the second year of the biennium, from the budget stabilization reserve fund to the general fund up to one-half of the amount in the budget

stabilization reserve fund in excess of the amount of 2% of all general fund appropriations in the second year of the biennium in the subsequent fiscal year."

8. Page 2, line 19.
Following: "REVENUE"
Insert: ", including transfers in,"

9. Page 2, line 23.
Following: "FOR THE"
Insert: "most recently completed"

10. Page 2, line 24.
Strike: "PRIOR TO THE MOST RECENTLY COMPLETED FISCAL YEAR AND THE PRIOR FISCAL YEAR"

11. Page 2.
Following: line 24
Insert: "(e) "Operating reserve differential" means a nonnegative difference from 8.3% of all general fund appropriations in the second year of the biennium minus the sum of the ending fund balance for the prior year and 50% of excess revenue of the prior year."

12. Page 3, line 23 through line 25.
Strike: subsection (7) in its entirety
Renumber: subsequent subsections

13. Page 5, line 20 through line 22.
Strike: subsection (7) in its entirety
Renumber: subsequent subsections

14. Page 10, line 25.
Strike: "-- conditional transfer authority"

15. Page 10, line 30 through page 11, line 9.
Strike: subsection (i) through subsection (v) in their entirety
Insert: "(i) 6% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3% of the general fund appropriations for the second fiscal year of the biennium in October of the year preceding a legislative session;

(iii) 2% of the general fund appropriations for the second fiscal year of the biennium in January of the year in which a legislative session is convened; and

(iv) 1% of the general fund appropriations for the second fiscal year of the biennium in March of the year in which a legislative session is convened."

16. Page 12, line 15.
Strike: "4%"

Insert: "5%"

17. Page 12, line 24 through line 28.
Strike: subsection (c) in its entirety

18. Page 13, line 7.
Strike: "OR conditional transfers"

19. Page 13, line 8.
Strike: "through" through "(10)"
Insert: "and (7)"

20. Page 13, line 9 through page 15, line 4.
Strike: subsections (6) through (10) in their entirety
Insert: "(6) The governor may authorize transfers from the budget stabilization reserve fund provided for in [section 1]. The governor may authorize $2 of transfers from the fund for each $1 of reductions in spending.

(7) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from the fire suppression account established in 76-13-150. The amount of funds available for a transfer from this account is up to the sum of the fund balance of the account, plus expected current year revenue, minus the sum of 1% of the general fund appropriations for the second fiscal year of the biennium, plus estimated expenditures from the account for the fiscal year. The governor may authorize $1 of transfers from the fire suppression account established in 76-13-150 for each $1 of reductions in spending."

21. Page 15, line 11 through page 16, line 12.
Strike: sections 6 and 7 in their entirety
Renumber: subsequent sections

22. Page 16, line 23 through line 24.
Strike: "except as provided in 17-7-140(8)"

23. Page 17, line 4.
Following: line 3
Insert: "(9) For the fiscal year ending June 30, 2017, the state treasurer may not transfer from the general fund to the fire suppression account."
Renumber: subsequent subsections

24. Page 17, line 9.
Strike: "**CONTINGENT**"
Insert: "**Levels 1 through 4 budget reductions -- contingent**"

25. Page 17, line 9 through line 22.
Strike: subsection (1) through subsection (3) in their entirety

Insert: "(1) (a) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,216,000,000 but greater than or equal to $2,204,000,000, as determined by the state treasurer on or before August 15, 2017, then the state treasurer shall transfer the amount provided for in subsection (1)(b) from the fire suppression account provided for in 76-13-150 to the general fund.

(b) The amount of the fund transfer provided for in subsection (1)(a) is equal to $2,216,000,000 minus the amount of certified unaudited state general fund revenue and transfers into the general fund at the end of fiscal year 2017, not to exceed $12 million.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,204,000,000 but greater than or equal to $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, then the state treasurer shall transfer $24 million from the fire suppression account provided for in 76-13-150 to the general fund.

(3) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, then the state treasurer shall transfer $30 million from the fire suppression account provided for in 76-13-150 to the general fund.

(4)(a) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is less than the 2018 general fund revenue trigger amount provided for in [section 10(2)], then the state treasurer shall transfer the amount provided for in subsection (4)(b) from the fire suppression account provided for in 76-13-150 to the general fund.

(b) Subject to the transfer limit in subsection (5), the amount of the fund transfer provided for in subsection (4)(a) is equal to:

(i) the 2018 general fund revenue trigger amount provided for in [section 10(2)] minus the amount of certified unaudited state general fund revenue and transfers into the general fund at the end of fiscal year 2018; minus

(ii) the amount of any transfers from the fire suppression account to the general fund during fiscal year 2017 under the provisions of subsections (1) through (3).

(5) The total amount of fund transfers under this section may not exceed $30 million."

26. Page 17, line 24 through line 27.
Strike: section 10 in its entirety
Insert: "NEW SECTION. **Section 8. Legislative intent.** (1) The legislature acknowledges that it is likely that the executive will need to issue notes in anticipation of revenue pursuant to 17-1-201 during the biennium beginning July 1, 2017, in order to provide the state general fund with sufficient cash resources to meet its obligations.

(2) (a) The legislature directs the staff of the legislative fiscal division and the office of budget and program planning to study, analyze, and make recommendations regarding the budget stabilization policies to the legislative finance committee by May 1, 2018. The study should address:

(i) trigger levels in 17-7-140;

(ii) legislative and executive access to the budget stabilization reserve fund;

(iii) deposit rules into the budget stabilization reserve fund; and

(iv) the level of operating reserve.

(b) The legislative fiscal division and the office of budget and program planning shall work jointly toward development of a set of best practices for the fund by September 1, 2018."

Renumber: subsequent sections

27. Page 18, line 1.

Insert: "NEW SECTION. **Section 10. State treasurer notification for budget reductions and fund transfers.** (1) For the purpose of implementing [sections 7 and 11 through 32], the state treasurer shall notify the budget director, the legislative fiscal analyst, and the code commissioner on or before August 15, 2017, if the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is:

(a) equal to or greater than $2,216,000,000;

(b) less than $2,216,000,000 but greater than or equal to $2,204,000,000 (level 1 budget reduction);

(c) less than $2,210,000,000 but greater than or equal to $2,204,000,000 (level 1.5 budget reduction);

(d) less than $2,204,000,000 but greater than or equal to $2,192,000,000 (level 2 budget reduction);

(e) less than $2,192,000,000 but greater than or equal to $2,180,000,000 (level 3 budget reduction); or

(f) less than $2,180,000,000 (level 4 budget reduction).

(2) (a) For the purpose of implementing [sections 7 and 11 through 32], the state treasurer shall notify the budget director, the legislative fiscal analyst, and the code commissioner on or before August 15, 2018, if the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is less than the 2018 general fund revenue trigger amount provided for in subsection (2)(b).

(b) The 2018 general fund revenue trigger amount provided for in subsection (2)(a) is calculated based on the certification by the state treasurer in subsection (1) for fiscal year 2017. If the unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is:

(i) equal to or greater than $2,216,000,000, as provided in subsection (1)(a), then the 2018 general fund revenue trigger amount is $2,372,000,000;

(ii) less than $2,216,000,000 but greater than or equal to $2,204,000,000, as provided in subsection (1)(b), then the 2018 general fund revenue trigger amount is:

(A) $2,372,000,000; minus

(B) the amount of the fire suppression account transfer to the general fund under [section 7(1)], not to exceed $12 million;

(iii) less than $2,204,000,000 but greater than or equal to $2,192,000,000, as provided in subsection (1)(d), then the 2018 general fund revenue trigger amount is $2,348,000,000; or

(iv) less than $2,192,000,000, as provided in subsection (1)(e) and (1)(f), then the 2018 general fund revenue trigger amount is $2,336,000,000.

(3) For the purposes [sections 12 through 32], the following definitions apply:

(a) "Level 2 or below" means a calculation that results in a 2018 general fund revenue

trigger amount that is less than or equal to $2,348,000,000.

(b) "Level 3 or below" means a calculation that results in a 2018 general fund revenue trigger amount that is less than or equal to $2,336,000,000.

(c) "Level 4 or below" means a calculation that results in a 2018 general fund revenue trigger amount that is less than or equal to $2,336,000,000.

(4) For the purpose of [sections 7 and 11 through 32] and this section:

(a) general fund collections are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102 and include transfers into the general fund; and

(b) transfers from the fire suppression account to the general fund under [section 7] are not considered general fund revenue."

Insert: "COORDINATION SECTION. **Section 11. Coordination instruction -- level 1.5 budget reduction -- House Bill No. 17.** (1) If House Bill No. 17 is passed and approved, then [section 2 of House Bill No. 17] must be amended as follows:

"**Section 2. Effective date.** [This act] is effective ~~July 1,~~ August 15, 2017."

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,210,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 17 is passed and approved, then [section 1 of House Bill No. 17] must be amended as follows:

"**Section 1. Appropriation void -- report.** (1) (a) ~~The following amounts are appropriated to the department of public health and human services to increase the number of basic and adult residential service slots under the home and community-based medicaid services waiver administered by the senior and long-term care division for elderly and physically disabled individuals:~~

~~Fiscal year 2018 $1,083,686 federal special revenue~~
~~$585,064 general fund~~
~~Fiscal year 2019 $2,528,601 federal special revenue~~
~~$1,365,149 general fund~~

~~(b)~~ The department of public health and human services ~~shall increase~~ may consider increasing the number of basic and adult residential services slots by 200 slots over the biennium beginning July 1, 2019, phasing in 50 slots every 6 months of the biennium beginning July 1, 2019.

~~(2)~~(b) ~~(a) The following amounts are appropriated to the~~ The department of public health and human services ~~to increase~~ may consider increasing the reimbursement rate for adult residential service slots in the home and community-based services waiver administered by the senior and long-term care division for elderly and physically disabled individuals~~:~~

~~Fiscal year 2018 $2,185,989 federal special revenue~~
~~$1,180,178 general fund~~
~~Fiscal year 2019 $3,990,608 federal special revenue~~
~~$2,154,461 general fund~~

~~(b) The appropriation provided for in this subsection (2) must be used to:~~

~~(i)~~. If an increase is considered, the base daily reimbursement rate for:

(i) 85% of the adult residential slots may be increased by up to $5.80 starting July 1, ~~2017~~ 2019, and then every 6 months thereafter of the ~~2019~~ 2021 biennium; and

(ii) ~~increase the base daily reimbursement rate for~~ up to 15% of the adult residential slots may be increased by up to $44.90 effective July 1, ~~2017~~ 2019, to pay for memory care for individuals with Alzheimer's disease or other dementias.

~~(3)~~(2) The department shall report to the children, families, health, and human services interim committee by September 15, ~~2018~~ 2020, and to the ~~66th~~ 67th legislature, as provided in 5-11-210, on ~~the~~ any decisions to increase waiver slots and enhance reimbursement rates and the effectiveness of the increased waiver slots and enhanced reimbursement rates. ~~The~~ If a decision was made to increase waiver slots and enhance reimbursement rates, the report must include information on:

(a) the use of the new waiver slots;

(b) whether the increased reimbursement rates led to an increase in the number of providers accepting medicaid clients;

(c) whether the percentage of slots designated for memory care was adequate to address the need for that care; and

(d) whether fewer patients with Alzheimer's disease or other dementias were admitted to state facilities, including the Montana state hospital and the Montana mental health nursing care center. If fewer patients were admitted to state facilities, the department must estimate the amount of money saved by placing fewer individuals with Alzheimer's disease or other dementias in the facilities.

~~(4) The legislature intends that the appropriations in this section be considered a part of the ongoing base for the next legislative session.~~""

Insert: "COORDINATION SECTION. **Section 12. Coordination instruction -- level 2 budget reduction -- across-the-board reduction in general fund appropriations.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,204,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved [section 11 of House Bill No. 2] must be amended as follows:

"**Section 11. Appropriations -- reduced appropriations for certain fiscal year 2018 and 2019 general fund appropriations.** ~~The~~ (1) All general fund appropriations in this section for fiscal years 2018 and 2019, excluding the appropriations for K-12 BASE Aid, Reimbursement Block Grants, State Tuition Payments, Transportation, Natural Resource Development K-12 School Facilities Payment, and the Coal-Fired Generating Unit Closure Mitigation Block Grant are reduced by 0.5%.

(2) Subject to subsection (1), the following money is appropriated for the respective fiscal years:"

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 2 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then if House Bill No. 2 is passed and approved [section 11 of House Bill No. 2] must be amended as follows:

"**Section 11. Appropriations -- reduced appropriations for certain fiscal year 2019 general fund appropriations.** ~~The~~ (1) All general fund appropriations in this section for fiscal year 2019, excluding the appropriations for K-12 BASE Aid, Reimbursement Block Grants, State Tuition Payments, Transportation, Natural Resource Development K-12 School Facilities

Payment, Special Education, and the Coal-Fired Generating Unit Closure Mitigation Block Grant are reduced by 0.5%.

(2) Subject to subsection (1), the following money is appropriated for the respective fiscal years:""

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction -- level 2 budget reduction -- reduction in state fund claims administration.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,204,000,000, as determined by the state treasurer on or before August 15, 2017, then 39-71-2352 must be amended as follows:

"39-71-2352. Separate payment structure and sources for claims for injuries resulting from accidents that occurred before July 1, 1990, and on or after July 1, 1990 -- spending limit -- authorizing transfer of money. (1) Premiums paid to the state fund based upon wages payable before July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Premiums paid to the state fund based upon wages payable on or after July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occur on or after July 1, 1990.

(2) The state fund shall:

(a) determine the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, and separately determine the cost of administering and paying claims for injuries resulting from accidents that occur on or after July 1, 1990;

(b) keep adequate and separate accounts of the costs determined under subsection (2)(a); and

(c) fund administrative expenses and benefit payments for claims for injuries resulting from accidents that occurred before July 1, 1990, and claims for injuries resulting from accidents that occur on or after July 1, 1990, separately from the sources provided by law.

(3) The state fund may not spend more than ~~$1.25 million~~ $625,000 a year to administer claims for injuries resulting from accidents that occurred before July 1, 1990.

(4) As used in this section, "adequately funded" means the present value of:

(a) the total cost of future benefits remaining to be paid; and

(b) the cost of administering the claims.

(5) An amount of funds in excess of the adequate funding amount established in subsection (4), based on audited financial statements adjusted for unrealized gains and losses, must be transferred to the general fund.

(6) If in any fiscal year after the old fund liability tax is terminated claims for injuries resulting from accidents that occurred before July 1, 1990, are not adequately funded, any amount necessary to pay claims for injuries resulting from accidents that occurred before July 1, 1990, must be transferred from the general fund to the account provided for in 39-71-2321.

(7) The independent actuary engaged by the state fund pursuant to 39-71-2330 shall project the unpaid claims liability for claims for injuries resulting from accidents that occurred before July 1, 1990, each fiscal year until all claims are paid.""

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 2 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then 39-71-2352 must be amended as follows:

"39-71-2352. Separate payment structure and sources for claims for injuries resulting from accidents that occurred before July 1, 1990, and on or after July 1, 1990 -- spending limit -- authorizing transfer of money. (1) Premiums paid to the state fund based upon wages payable before July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Premiums paid to the state fund based upon wages payable on or after July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occur on or after July 1, 1990.

(2) The state fund shall:

(a) determine the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, and separately determine the cost of administering and paying claims for injuries resulting from accidents that occur on or after July 1, 1990;

(b) keep adequate and separate accounts of the costs determined under subsection (2)(a); and

(c) fund administrative expenses and benefit payments for claims for injuries resulting from accidents that occurred before July 1, 1990, and claims for injuries resulting from accidents that occur on or after July 1, 1990, separately from the sources provided by law.

(3) The state fund may not spend more than ~~$1.25 million~~ $625,000 a year to administer claims for injuries resulting from accidents that occurred before July 1, 1990.

(4) As used in this section, "adequately funded" means the present value of:

(a) the total cost of future benefits remaining to be paid; and

(b) the cost of administering the claims.

(5) An amount of funds in excess of the adequate funding amount established in subsection (4), based on audited financial statements adjusted for unrealized gains and losses, must be transferred to the general fund.

(6) If in any fiscal year after the old fund liability tax is terminated claims for injuries resulting from accidents that occurred before July 1, 1990, are not adequately funded, any amount necessary to pay claims for injuries resulting from accidents that occurred before July 1, 1990, must be transferred from the general fund to the account provided for in 39-71-2321.

(7) The independent actuary engaged by the state fund pursuant to 39-71-2330 shall project the unpaid claims liability for claims for injuries resulting from accidents that occurred before July 1, 1990, each fiscal year until all claims are paid.""

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction -- level 2 budget reduction -- HELP Act third-party administrator.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,204,000,000, as determined by the state treasurer on or before August 15, 2017, then notwithstanding 53-6-1305, for the biennium beginning July 1, 2017, the department of public health and humans services:

(a) may not enter into a new contract with one or more insurance companies or third-party administrators to assist in administering the Montana Health and Economic Livelihood Partnership (HELP) Act provided for in 53-6-1301; and

(b) must terminate any existing contract with an insurance company or third-party administrator related to the Montana Health and Economic Livelihood Partnership (HELP) Act.

(2) It is the intent of the legislature that the department of public health and human services refrain from contracting with one or more insurance companies or third-party

administrators in administering the Montana Health and Economic Livelihood Partnership (HELP) Act until a determination is made by the state treasurer that revenue for fiscal year 2017 is equal to or greater than $2,204,000,000.

(3) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 2 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the provisions of subsection (1) apply to fiscal year 2019."

Insert: "COORDINATION SECTION. **Section 15. Coordination instruction -- level 3 budget reduction -- reduction in appropriation -- governor's office.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the governor's office general fund appropriation for "Mental Disabilities Board of Visitors" in House Bill No. 2 is reduced by $90,000 in fiscal year 2018 and $90,000 in fiscal year 2019.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the governor's office general fund appropriation for "Mental Disabilities Board of Visitors" in House Bill No. 2 is reduced by $90,000 in fiscal year 2019.

(3) The governor's office may allocate the appropriation reductions in subsections (1) and (2) among programs when developing 2019 biennium operating plans.

(4) The appropriation reductions in subsections (1) and (2) are in addition to the across-the-board reduction in general fund appropriations in [section 12]."

Insert: "COORDINATION SECTION. **Section 16. Coordination instruction -- level 3 budget reduction -- reduction in appropriation -- legislative branch.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the legislative branch general fund appropriation for "Legislative Services" in House Bill No. 2 is reduced by $133,883 in fiscal year 2018 and $133,851 in fiscal year 2019.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the legislative branch general fund appropriation for "Legislative Services" in House Bill No. 2 is reduced by $133,851 in fiscal year 2019.

(3) The legislative branch may allocate the appropriation reductions in subsections (1) and (2) among programs when developing 2019 biennium operating plans.

(4) The appropriation reductions in subsections (1) and (2) are in addition to the across-the-board reduction in general fund appropriations in [section 12]."

Insert: "COORDINATION SECTION. **Section 17. Coordination instruction -- level 3**

budget reduction -- reduction in appropriation -- Montana state library commission. (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the Montana state library commission general fund appropriation for "Statewide Library Resources" in House Bill No. 2 is reduced by $666,527 in fiscal year 2018 and $669,513 in fiscal year 2019 and the following language is inserted under "MONTANA STATE LIBRARY COMMISSION":

"Statewide Library Resources is appropriated up to $666,527 of propriety funding in fiscal year 2018 and $669,513 of propriety funding in fiscal year 2019 to offset the general fund appropriation reduction in Senate Bill No. 261."

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the Montana state library commission general fund appropriation for "Statewide Library Resources" in House Bill No. 2 is reduced by $669,513 in fiscal year 2019 and the following language is inserted under "MONTANA STATE LIBRARY COMMISSION":

"Statewide Library Resources is appropriated up to $669,513 of propriety funding in fiscal year 2019 to offset the general fund appropriation reduction in Senate Bill No. 261."

(3) The legislature intends that the appropriation reduction in subsections (1) and (2) be used to reduce general fund appropriations in support of the Montana digital library program by 50%.

(4) The Montana state library commission may allocate the appropriation reductions in subsections (1) and (2) among programs when developing 2019 biennium operating plans.

(5) The appropriation reductions in subsections (1) and (2) are in addition to the across-the-board reduction in general fund appropriations in [section 12]."

Insert: "COORDINATION SECTION. **Section 18. Coordination instruction -- level 3 budget reduction -- reduction in appropriation -- Montana historical society -- increase in state special revenue fund authority.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the Montana historical society general fund appropriation for "Research Center" in House Bill No. 2 is reduced by $608,710 in fiscal year 2018 and $609,786 in fiscal year 2019 and the following language is inserted under "MONTANA HISTORICAL SOCIETY":

"Research Center is appropriated up to $608,710 of propriety funding in fiscal year 2018 and $609,786 of propriety funding in fiscal year 2019 to offset the general fund appropriation reduction in Senate Bill No. 261."

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the Montana historical society general fund appropriation for "Research Center" in House Bill No. 2 is reduced by $609,786 in fiscal year

2019 and the following language is inserted under "MONTANA HISTORICAL SOCIETY":

"Research Center is appropriated up to $609,786 of propriety funding in fiscal year 2019 to offset the general fund appropriation reduction in Senate Bill No. 261."

(3) The legislature intends that the appropriation reduction in subsections (1) and (2) be used to reduce general fund appropriations in support of the research center program by 50%.

(4) The Montana historical society may allocate the appropriation reductions in subsections (1) and (2) among programs when developing 2019 biennium operating plans.

(5) The appropriation reductions in subsections (1) and (2) are in addition to the across-the-board reduction in general fund appropriations in [section 12].

(6) If House Bill No. 2 is passed and approved, then the Montana historical society state special revenue fund appropriation for "Museum Program" in House Bill No. 2 is increased by $97,115 in fiscal year 2018 and $91,695 in fiscal year 2019. The increase in this subsection (6) is not contingent on revenue projections."

Insert: "COORDINATION SECTION. **Section 19. Coordination instruction -- level 3 budget reduction -- fund transfer from lodging facility use tax account.** (1) (a) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, then notwithstanding 15-65-121(5), the state treasurer shall transfer the amount provided for in subsection (1)(b) from the state special revenue account provided for in 15-65-121(5) to the general fund during the biennium beginning July 1, 2017. The distributions under 15-65-121(2)(d) must be reduced by the amount that is transferred to the general fund.

(b) The amount of the fund transfer provided for in subsection (1)(a) is equal to 8.1% of the 64.9% that is distributed during the biennium beginning July 1, 2017, under 15-65-121(2)(d). The state treasurer may deposit the amount to the credit of the state general fund periodically during the biennium at the same time as the other distributions, as long as the total amount of the distribution at the end of each fiscal year is equal to 8.1% of the 64.9% of the tax proceeds distributed under 15-65-121(2)(d).

(2)(a) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then notwithstanding 15-65-121(5), the state treasurer shall transfer the amount provided for in subsection (2)(b) from the state special revenue account provided for in 15-65-121(5) to the general fund during the fiscal year beginning July 1, 2018. The distributions under 15-65-121(2)(d) must be reduced by the amount that is transferred to the general fund.

(b) The amount of the fund transfer provided for in subsection (2)(a) is equal to 8.1% of the 64.9% that is distributed during the fiscal year beginning July 1, 2018, under 15-65-121(2)(d). The state treasurer may deposit the amount to the credit of the state general fund periodically during fiscal year 2019 at the same time as the other distributions, as long as the total amount of the distribution at the end of fiscal year 2019 is equal to 8.1% of the 64.9% of the tax proceeds distributed under 15-65-121(2)(d)."

Insert: "COORDINATION SECTION. **Section 20. Coordination instruction -- level 3**

budget reduction -- reduction in appropriation -- department of agriculture. (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the department of agriculture general fund appropriation for "Agricultural Development Division" in House Bill No. 2 is reduced by $128,244 in fiscal year 2018 and $128,383 in fiscal year 2019.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the department of agriculture general fund appropriation for "Agricultural Development Division" in House Bill No. 2 is reduced by $128,383 in fiscal year 2019.

(3) The legislature intends that the appropriation reduction in subsections (1) and (2) be used to reduce House Bill No. 2 general fund appropriations in support of the agricultural marketing program by 50%.

(4) The appropriation reductions in subsections (1) and (2) are in addition to the across-the-board reduction in general fund appropriations in [section 12]."

Insert: "COORDINATION SECTION. **Section 21. Coordination instruction -- level 3 budget reduction -- reduction in appropriation -- department of public health and human services.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the department of public health and human services general fund appropriation for "Health Resources Division" in House Bill No. 2 is reduced by $3,500,000 in fiscal year 2018 and $3,500,000 in fiscal year 2019.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the department of public health and human services general fund appropriation for "Health Resources Division" in House Bill No. 2 is reduced by $3,500,000 in fiscal year 2019.

(3) The legislature intends that the appropriation reduction in subsections (1) and (2) be used to reduce medicaid provider rates over the 2019 biennium. For the purpose of this subsection (3), the rate reduction must be calculated to provide for percentage based equivalency between all single providers and provider types to ensure that all single provider or provider types are subject to the same reduction percentage.

(4) The appropriation reductions in subsections (1) and (2) are in addition to the across-the-board reduction in general fund appropriations in [section 12]."

Insert: "COORDINATION SECTION. **Section 22. Coordination instruction -- level 3 budget reduction -- mental health targeted case management services.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,192,000,000, as determined by the state treasurer on or before August 15, 2017, then for the biennium beginning July 1, 2017, the

department of public health and human services general fund appropriation in House Bill No. 2 for the:

(a) "Addictive and Mental Disorder Division" is reduced by $965,000 in fiscal year 2018 and $965,000 in fiscal year 2019; and

(b) "Developmental Services Division" is reduced by $965,000 in fiscal year 2018 and $965,000 in fiscal year 2019.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 3 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then the department of public health and human services general fund appropriation in House Bill No. 2 for the:

(a) "Addictive and Mental Disorder Division" is reduced by $965,000 in fiscal year 2019; and

(b) "Developmental Services Division" is reduced by $965,000 in fiscal year 2019.

(3) The department of public health and human services shall reduce reimbursements for targeted case management services for adult and children's mental health by the amount of the reductions in subsections (1) and (2).

(4) The department of public health and human services may allocate the appropriation reductions in subsections (1) and (2) among the addictive and mental disorder division and the developmental services division when developing 2019 biennium operating plans."

Insert: "COORDINATION SECTION. **Section 23. Coordination instruction -- level 4 -- broadband pay plan -- appropriation void.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,180,000,000, as determined by the state treasurer on or before August 15, 2017, and if Senate Bill No. 294 is passed and approved, then the general fund appropriations in [section 12 of Senate Bill No. 294] for:

(a) fiscal year 2018 for "Legislative Branch", "Judicial Branch", "Executive Branch", and "Montana University System" are void; and

(b) fiscal year 2019 for "Legislative Branch" is reduced from $124,184 to $35,180, "Judicial Branch" is reduced from $297,576 to $84,299, "Executive Branch" is reduced from $3,756,611 to $1,064,196, and "Montana University System" is reduced from $3,493,577 to $1,142,646.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 4 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), and if Senate Bill No. 294 is passed and approved, then the general fund appropriations in [section 12 of Senate Bill No. 294] for fiscal year 2019 for "Legislative Branch" is reduced from $124,184 to $35,180, "Judicial Branch" is reduced from $297,576 to $84,299, "Executive Branch" is reduced from $3,756,611 to $1,064,196, and "Montana University System" is reduced from $3,493,577 to $1,142,646."

Insert: "COORDINATION SECTION. **Section 24. Coordination instruction -- level 4 budget reduction -- secondary vo-ed.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017

is less than $2,180,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the office of superintendent of public instruction general fund appropriation for "Secondary Vo-ed" in House Bill No. 2 must be reduced by $500,000 in fiscal year 2018 and by $500,000 in fiscal year 2019.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 4 or below as provided in [section 10(3)], and if House Bill No. 2 is passed and approved, then the office of superintendent of public instruction general fund appropriation for "Secondary Vo-ed" in House Bill No. 2 must be reduced by $500,000 in fiscal year 2019."

Insert: "COORDINATION SECTION. **Section 25. Coordination instruction -- level 4 budget reduction -- data-for-achievement payment.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,180,000,000, as determined by the state treasurer on or before August 15, 2017, then:

(a) notwithstanding 20-9-306, 20-9-308, 20-9-325, 20-9-326, 20-9-344, and 20-9-366, the office of public instruction shall suspend payment of the data-for-achievement payment for fiscal year 2018 and fiscal year 2019 and reduce BASE aid payments to school districts accordingly; and

(b) if House Bill No. 2 is passed and approved, the office of superintendent of public instruction general fund appropriation for "K-12 BASE Aid" in House Bill No. 2 must be reduced by $3,109,347 in fiscal year 2018 and by $3,180,038 in fiscal year 2019 for the purpose of suspending the data-for-achievement payment.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 4 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then:

(a) notwithstanding 20-9-306, 20-9-308, 20-9-325, 20-9-326, 20-9-344, and 20-9-366, the office of public instruction shall suspend payment of the data-for-achievement payment for fiscal year 2019 and reduce BASE aid payments to school districts accordingly; and

(b) if House Bill No. 2 is passed and approved, the office of superintendent of public instruction general fund appropriation for "K-12 BASE Aid" in House Bill No. 2 must be reduced by $3,180,038 in fiscal year 2019 for the purpose of suspending the data-for-achievement payment."

Insert: "COORDINATION SECTION. **Section 26. Coordination instruction -- level 4 budget reduction -- combined fund block grants.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,180,000,000, as determined by the state treasurer on or before August 15, 2017, then:

(a) notwithstanding 20-9-630, the office of public instruction shall reduce the amount of the school district combined fund block grants by 47.68% for both fiscal year 2018 and fiscal year 2019; and

(b) if House Bill No. 2 is passed and approved, the office of superintendent of public instruction general fund appropriation for "Reimbursement Block Grants" in House Bill No. 2

must be reduced by $2,800,000 in fiscal year 2018 and by $2,800,000 in fiscal year 2019 for the purpose of reducing school district combined fund block grants.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 4 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then:

(a) notwithstanding 20-9-630, the office of public instruction shall reduce the amount of the school district combined fund block grants by 47.68% for fiscal year 2019; and

(b) if House Bill No. 2 is passed and approved, the office of superintendent of public instruction general fund appropriation for "Reimbursement Block Grants" in House Bill No. 2 must be reduced by $2,800,000 in fiscal year 2019 for the purpose of reducing school district combined fund block grants."

Insert: "COORDINATION SECTION. **Section 27. Coordination instruction -- level 4 budget reduction -- natural resource development payment.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,180,000,000, as determined by the state treasurer on or before August 15, 2017, then:

(a) if House Bill No. 647 is passed and approved, [section 18(2) of House Bill No. 647] must be amended as follows:

"(2) Beginning in fiscal year ~~2019~~ 2020, the superintendent of public instruction shall annually deposit no later than March 31 in the school facility and technology account provided for in 20-9-516 the natural resource development K-12 school facilities payment, which is calculated as the greater of:

(A) ~~$5.8 million in fiscal year 2019,~~ $6.4 million in fiscal year 2020, $7.6 million in fiscal year 2021, and $10 million in fiscal year 2022, increased by an inflationary adjustment calculated as provided in 20-9-326 in each succeeding fiscal year; or

(B) 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment."; and

(b) if House Bill No. 2 is passed and approved, the office of superintendent of public instruction general fund appropriation for the "Natural Resource Development K-12 School Facilities Payment" in House Bill No. 2 for 2019 must be eliminated.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 4 or below as provided in [section 10(3)], and if prior general fund collections for fiscal year 2017 were high enough to prevent implementation of subsection (1), then:

(a) if House Bill No. 647 is passed and approved, [section 18(2) of House Bill No. 647] must be amended as follows:

"(2) Beginning in fiscal year ~~2019~~ 2020, the superintendent of public instruction shall annually deposit no later than March 31 in the school facility and technology account provided for in 20-9-516 the natural resource development K-12 school facilities payment, which is calculated as the greater of:

(A) ~~$5.8 million in fiscal year 2019,~~ $6.4 million in fiscal year 2020, $7.6 million in fiscal year 2021, and $10 million in fiscal year 2022, increased by an inflationary adjustment

calculated as provided in 20-9-326 in each succeeding fiscal year; or

(B) 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment."; and

(b) if House Bill No. 2 is passed and approved, the office of superintendent of public instruction general fund appropriation for the "Natural Resource Development K-12 School Facilities Payment" in House Bill No. 2 for 2019 must be eliminated."

Insert: "COORDINATION SECTION. **Section 28. Coordination instruction -- level 4 budget reduction -- native language preservation.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,180,000,000, as determined by the state treasurer on or before August 15, 2017, and if House Bill No. 2 is passed and approved, then the department of commerce general fund appropriation for "Native Language Preservation" in House Bill No. 2 must be reduced by $125,000 in fiscal year 2018 and by $125,000 in fiscal year 2019.

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2018 is at level 4 or below as provided in [section 10(3)], and if House Bill No. 2 is passed and approved, then the department of commerce general fund appropriation for "Native Language Preservation" in House Bill No. 2 must be reduced by $125,000 in fiscal year 2019."

Insert: "COORDINATION SECTION. **Section 29. Coordination instruction -- Senate Bill No. 281 and fire suppression account.** (1) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is equal to or greater than $2,209,000,000, as determined by the state treasurer on or before August 15, 2017, and Senate Bill No. 281 and [this act] are passed and approved, and both contain a section that amends 76-13-150, then the sections amending 76-13-150 are void and 76-13-150 must be amended as follows:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for: ~~the purpose of paying expenses for fire prevention, including fuel reduction and mitigation, forest restoration, grants for the purchase of fire suppression equipment for county cooperatives, and~~

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects; and

(g) road maintenance on federal lands.~~.~~

(5) Interest earned on the balance of the account is retained in the account.

(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(7) The provisions of subsection (6) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (6) would require reductions pursuant to 17-7-140.

(8) The fund balance in the account may not exceed ~~$100 million~~ 4% of all general fund appropriations in the second year of the biennium.

(9) ~~Up to $5 million each biennium may be used for the purpose of fuel reduction and mitigation and forest restoration~~ By August 15 of each even-numbered fiscal year, if the balance in the account at the end of the most recently completed odd-numbered fiscal year exceeds $40 million, the excess, up to $5 million, must be used in the biennium for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(10) For the fiscal year ending June 30, 2017, the state treasurer may not transfer from the general fund to the fire suppression account.

~~(10)~~(11) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)."

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,209,000,000, as determined by the state treasurer on or before August 15, 2017, and Senate Bill No. 281 and [this act] are passed and approved, and both contain a section that amends 76-13-150, then the sections amending 76-13-150 are void and 76-13-150 must be amended as follows:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for: ~~the purpose of paying expenses for fire prevention, including fuel reduction and mitigation, forest restoration, grants for the purchase of fire suppression equipment for county cooperatives, and~~

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects; and

(g) road maintenance on federal lands.~~.~~

(5) Interest earned on the balance of the account is retained in the account.

(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(7) The provisions of subsection (6) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (6) would require reductions pursuant to 17-7-140.

(8) The fund balance in the account may not exceed ~~$100 million~~ 4% of all general fund appropriations in the second year of the biennium.

(9) ~~Up to $5 million each biennium may be used for the purpose of fuel reduction and mitigation and forest restoration~~ Beginning on July 1, 2019, by August 15 of each even-numbered fiscal year, if the balance in the account at the end of the most recently completed odd-numbered fiscal year exceeds $40 million, the excess, up to $5 million, must be used in the biennium for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(10) For the fiscal year ending June 30, 2017, the state treasurer may not transfer from the general fund to the fire suppression account.

~~(10)~~(11) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)."""

Insert: "COORDINATION SECTION. **Section 30. Coordination instruction -- fire suppression account -- effective July 1, 2019.** If Senate Bill No. 281 and [this act] are passed and approved, and both contain a section that amends 76-13-150, then the sections amending 76-13-150 are void and 76-13-150 must be amended as follows:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for: ~~the purpose of paying expenses for fire prevention, including fuel reduction and mitigation, forest restoration, grants for the purchase of fire suppression equipment for county cooperatives, and~~

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects; and

(g) road maintenance on federal lands.~~.~~

(5) Interest earned on the balance of the account is retained in the account.

(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(7) The provisions of subsection (6) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (6) would require reductions pursuant to 17-7-140.

(8) The fund balance in the account may not exceed ~~$100 million~~ 4% of all general fund appropriations in the second year of the biennium.

(9) ~~Up to $5 million each biennium may be used for the purpose of fuel reduction and mitigation and forest restoration~~ By August 15 of each even-numbered fiscal year, if the balance in the account at the end of the most recently completed odd-numbered fiscal year exceeds $40 million, the excess, up to $5 million, must be used in the biennium for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(10) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)."

Insert: "COORDINATION SECTION. **Section 31. Coordination instruction -- House Bill No. 638.** (1) If House Bill No. 638 is passed and approved, then:

(a) [section 9 of House Bill No. 638] must be amended as follows:

"**Section 9. Effective ~~date~~ dates -- contingency.** ~~[This act]~~ (1) Except as provided in subsection (2), [this act] is effective ~~July 1~~ August 15, 2017.

(2) [Sections 2 through 8] are effective only if on:

(a) August 15, 2017, the state treasurer certifies that unaudited general fund revenue and transfers into the general fund received at the end of fiscal year 2017 are equal to or greater than $2,220,000,000; or

(b) August 15, 2018, the state treasurer certifies that unaudited general fund revenue and transfers into the general fund received at the end of fiscal year 2018 are equal to or greater than $2,375,000,000."

(2) If the amount of the certified unaudited state general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than $2,220,000,000, as determined by the state treasurer on or before August 15, 2017, then:

(a) [section 1 of House Bill No. 638] must be amended as follows:

"**Section 1. Appropriation for direct care worker wages.** (1) The following amounts are appropriated to the department of public health and human services for the biennium beginning July 1, ~~2017~~ 2018, for a rate increase for developmental disability services providers to be phased in and used as provided in this section:

Fiscal Year ~~2018~~ 2019	$5,277,977	federal special revenue
	$2,789,240	state special revenue fund
~~Fiscal Year 2019~~	~~$12,326,129~~	~~federal special revenue~~

~~$6,526,928 state special revenue fund~~

(2) Providers must use the appropriation to increase wages only for workers who:

(a) provide direct care;

(b) are employed in community services established pursuant to 53-20-205; and

(c) are not state employees.

(3) Except as provided in subsection (4), the department shall phase in the appropriation ~~on July 1 and January 1 of each year of the biennium~~ in a manner that provides the equivalent of an increase in wages of at least 75 cents an hour per employee.

(4) (a) If the appropriation is insufficient to provide the equivalent of a biannual increase of 75 cents an hour per employee, the department shall provide the maximum provider rate increase possible from the appropriation.

(b) If the appropriation allows for the equivalent of ~~a biannual~~ an increase of more than 75 cents an hour per employee, the department shall use the full amount of the appropriation to provide the greater increase.

(5) The appropriation in this section is intended to increase medicaid services and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates. The appropriation in this section may not be used to provide wages to program managers, administrative staff, management staff, schedulers, nurse supervisors, licensed practical nurses, registered nurses, or case managers.

(6) The legislature intends that the appropriation in this section be considered a part of the ongoing base for the next legislative session.";

(b) [section 2 of House Bill No. 638] must be amended as follows:

"**Section 2. Appropriation for direct care worker wages.** (1) The following amounts are appropriated to the department of public health and human services for the ~~biennium~~ fiscal year beginning July 1, ~~2017~~ 2018, for a rate increase for home and community-based services waiver direct care workers and for community services personal care assistants to be administered by the senior and long-term care division for elderly and physically disabled individuals, to be phased in and used as provided in this section:

Fiscal Year ~~2018~~ 2019 $808,268 federal special revenue
$427,144 state special revenue fund
~~Fiscal Year 2019 $1,211,568 federal special revenue~~
~~$641,549 state special revenue fund~~

(2) Providers may use the appropriation to increase wages only for workers who:

(a) provide direct care;

(b) are employed in community services; and

(c) are not state employees.

(3) The department shall use the appropriation ~~starting on:~~

~~(a) July 1, 2017,~~ to increase wages by at least $1.50 an hour per employee~~; and~~

~~(b) July 1, 2018, to increase wages by at least $2.25 an hour per employee~~.

(4) The appropriation in this section is intended to increase medicaid services and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates. The appropriation in this section may not be used to provide wages to program managers, administrative staff, management staff, schedulers, nurse supervisors, licensed practical nurses, registered nurses, or case managers.

(5) The legislature intends that the appropriation in this section be considered a part of the ongoing base for the next legislative session."; and

(c) [section 5 of House Bill No. 638] must be amended as follows:

"**Section 5. Transfer of funds to direct care worker wage account.** By ~~July 1, 2017~~ August 15, 2018, the state treasurer shall transfer ~~$1,068,693~~ $427,144 from the older Montanans trust fund, provided for in 52-3-115, to the direct care worker wage account provided in [section 3] for the ~~biennium beginning~~ fiscal year beginning July 1, ~~2017~~ 2018.""

Insert: "COORDINATION SECTION. **Section 32. Coordination instruction -- House Bill No. 261.** (1) If House Bill No. 261 is passed and approved, then [section 2 of House Bill No. 261] must be amended as follows:

"**Section 2. Contingent voidness.** ~~(1)~~ If the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2017 are less than ~~$2,213,000,000~~ $2,217,000,000, as determined by the state treasurer on or before August 15, 2017, the statutory ~~appropriation~~ appropriations in 22-1-327 for fiscal ~~year~~ years 2018 ~~is~~ and 2019 are void.

~~(2) If the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2018 are less than $2,360,000,000, the statutory appropriation in 22-1-327 for fiscal year 2019 is void.~~"

(2) The state treasurer shall notify the budget director, the legislative fiscal analyst, and the code commissioner on or before August 15, 2017, regarding whether amount of the certified general fund revenue and transfers into the general fund received at the end of fiscal year 2017 is less than the amount provided in [section 2 of House Bill No. 261], as amended by subsection (1)."

Insert: "NEW SECTION. **Section 33. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

28. Page 18, line 2.
Strike: "[This act]"
Insert: "(1) Except as provided in subsections (2) and (3), [this act]"
Following: line 2
Insert: "(2) [Section 30] is effective July 1, 2019.

(3) [Sections 32 and 33] and this section are effective on passage and approval."

29. Page 18, line 3.
Following: line 2
Insert: "NEW SECTION. **Section 35. Termination.** [Sections 13, 27, and 29] terminate June 30, 2019."

For the Senate:
L. Jones, Chair
Moore
Sesso

For the House:
Ballance, Vice Chair
Brodehl
Eck

SPECIAL ORDERS OF THE DAY

Minority Leader Sesso and Majority Leader Thomas thanked President Sales for his leadership during the 65th Legislative Session and presented appreciation gifts from the Senate.

Majority Leader Thomas moved the Senate recess until 3:30 p.m. this day. Motion carried. Senate recessed at 2:38 p.m.

Senate reconvened at 3:30 p.m. President Sales presiding. Forty-eight members present, Senators Brown and Fielder excused.

MESSAGES FROM THE GOVERNOR

April 26, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me at Governor by the Constitution and laws of the State of Montana, I hereby return with an amendment Senate Bill 307 (SB 307), "AN ACT GENERALLY REVISING LAWS RELATED TO SCHOOL FUNDING; REQUIRING TRUSTEES TO ADOPT A RESOLUTION WITH PUBLIC NOTICE PRIOR TO INCREASING NONVOTED LEVIES; MAKING A SCHOOL DISTRICT'S ABILITY TO TRANSFER FUNDS FOR SCHOOL SAFETY PURPOSES PERMANENT; REQUIRING SUBFUNDS TO ACOUNT FOR VARIOUS REVENUES AND USES OF THE BUILDING RESERVE FUND; AUTHORIZING A LIMITED LEVY FOR SCHOOL MAJOR MAINTENANCE WITH STATE SUPPORT; RENAMING THE SCHOOL FACILITY REIMBURSEMENT PROGRAM THE DEBT SERVICE ASSISTANCE PROGRAM; CREATING A STATE SPECIAL REVENUE ACCOUNT AND PROGRAM FOR SCHOOL MAJOR MAINTENANCE AID; PHASING OUT THE QUALITY SCHOOLS FACILITY GRANT PROGRAM; AMENDING SECTIONS 20-6-702, 20-9-236, 20-9-343, 20-9-367, 20-9-502, AND 20-9-516, MCA; REPEALING SECTIONS 90-6-801, 90-6-802, 90-6-803, 90-6-809, 90-6-810, 90-6-811, 90-6-812, 90-6-818, AND 90-6-819, MCA; REPEALING SECTION 12, CHAPTER 364, LAWS OF 2013, AND SECTION 3, CHAPTER 323, LAWS OF 2015; AND PROVIDING EFFECTIVE DATES AND APPLICABILITY DATES."

SB 307 directs school districts to notice nonvoted levies to the electorate in Fiscal Year (FY) 2017 by April 15, 2017, among other things. This April 15 date is past and would be unachievable for school districts in this fiscal year. Therefore, my amendment requests that the date of April 15, 2017, currently in the bill be changed to June 1, 2017, to allow school districts to comply with the law.

I respectfully ask for your support of this amendment.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 307
Reference Copy
Requested by the Governor

For the Senate Committee of the Whole

Prepared by Susan Byorth Fox
April 26, 2017 (2:21pm)

1. Page 1, line 23.
Strike: "April 15"
Insert: "June 1"

2. Page 6, line 21.
Strike: "April 15"
Insert: "June 1"

3. Page 16, line 3.
Strike: "April 15"
Insert: "June 1"

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution not concurred in and returned to the Senate: 4/24/2017

SJ 24, introduced by D. Sands

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 261 - **Free Conference Committee Report No. 1** - Senator L. Jones moved the Free

Conference Committee report to **SB 261** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Kary, Lang, MacDonald, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 36

Nays: Boland, Buttrey, Caferro, Cohenour, Hinkle, Hoven, Howard, Keenan, McNally, Sands, Vance, Mr.President.
Total 12

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 307 - **Governor's Amendments** - Senator L. Jones moved Governor's amendments to **SB 307** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald,

Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 168, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 39

Nays: Hinebauch, Howard, Kary, Olszewski, Osmundson, Smith C, Vance, Webb, Mr.President.
Total 9

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 374, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: Kary, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 55, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: Blasdel, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 307, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Howard, Keenan, Smith F, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.

Total 2

SB 95, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken.
Total 37

Nays: Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Salomon, Smith C, Vance, Webb, Mr.President.
Total 11

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

SB 261, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Kary, Lang, MacDonald, Malek, McClafferty, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 35

Nays: Boland, Buttrey, Caferro, Cohenour, Hinkle, Hoven, Howard, Keenan, McNally, Sands, Smith F, Vance, Mr.President.
Total 13

Absent or not voting: None.
Total 0

Excused: Brown, Fielder.
Total 2

Majority Leader Thomas moved the Senate recess until 5:00 p.m. this day. Motion carried.
Senate recessed at 4:05 p.m.

Senate reconvened at 6:00 p.m. President Sales presiding. Forty-seven members present.
Senators Brown and Fielder and Gauthier excused.

MOTIONS

Senator Sesso moved that **HJ 28** be taken from the Energy and Telecommunications Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Whitford, Wolken.
Total 25

Nays: Ankney, Blasdel, Connell, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Gauthier.
Total 3

ANNOUNCEMENTS

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Thursday, April 27, 2017. Motion carried.

Senate adjourned at 6:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 27, 2017 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Brown, Fielder, and Osmundson excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/27/2017
Correctly printed: **HJ 28**.
Correctly enrolled: **SB 199**, **SB 250**.
Examined by the sponsor and found to be correct: **SB 199**, **SB 248**, **SB 250**.

Senator Blasdel thanked the **Pages** for their service this week.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/26/2017

SB 132, introduced by T. Richmond

Senate joint resolution concurred in and returned to the Senate: 4/26/2017

SJ 32, introduced by A. Olszewski

Senate amendments to House bills concurred in: 4/26/2017

HB 308, introduced by C. Schreiner
HB 391, introduced by T. Jacobson

Conference Committee Report No.1 adopted: 4/26/2017

SB 368, introduced by T. Richmond

Free Conference Committee Report No.1 adopted: 4/26/2017

SB 359, introduced by M. Blasdel
HB 639, introduced by R. Cook

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJ 28 - Senator Barrett moved **HJ 28** be concurred in. Motion carried as follows:

Yeas: Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Salomon, Sands, Smith F, Swandal, Tempel, Thomas, Whitford, Wolken.
Total 27

Nays: Ankney, Connell, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Richmond, Sesso, Small, Smith C, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Osmundson.
Total 3

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Osmundson.
Total 3

Senate recessed at 8:07 a.m. awaiting action by the House of Representatives. Senate reconvened at 10:28 a.m.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Thursday, April 27, 2017, the eighty-eighth legislative day. Motion carried.

Senate adjourned at 10:35 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 27, 2017 — State Capitol

Senate convened at 1:00 p.m. President Pro-Tempore Keenan presiding.

Roll Call. Forty-five members present. Senators Brown, Fielder, Gauthier, Olszewski, and Osmundson excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/28/2017
Correctly enrolled: **SB 55**, **SB 95**, **SB 132**, **SB 167**, **SB 168**, **SB 261**, **SB 314**, **SB 359**, **SB 368**, **SB 374**, **SJ 3**, **SJ 5**, **SJ 9**, **SJ 19**, **SJ 20**, **SJ 21**, **SJ 23**, **SJ 25**, **SJ 27**, **SJ 28**, **SJ 29**, **SJ 31**, **SJ 32**.
Examined by the sponsor and found to be correct: **SB 132**, **SB 168**, **SB 359**, **SB 368**, **SJ 3**, **SJ 5**, **SJ 9**, **SJ 19**, **SJ 20**, **SJ 21**, **SJ 23**, **SJ 25**, **SJ 27**, **SJ 28**, **SJ 29**.
Transmitted to the House: **HJ 28**.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 4/27/2017

SJ 31, introduced by M. McNally

Governor's amendments to **Senate bills** concurred in and returned to the Senate: 4/27/2017

SB 55, introduced by D. Salomon
SB 314, introduced by C. Vincent

Senate amendments to House bill concurred in: 4/27/2017

HB 586, introduced by D. Lenz

Governor's amendments to **House bills** concurred in and transmitted to the Senate for consideration of the Governor's amendments: 4/27/2017

HB 405, introduced by R. Cook
HB 550, introduced by J. Essmann

Conference Committee Report No.1 adopted: 4/27/2017

SB 374, introduced by D. Ankney

Free Conference Committee Report No.1 adopted: 4/27/2017

SB 95, introduced by L. Jones
SB 261, introduced by L. Jones

MOTIONS

Senator Moore moved to place **HB 405 GA**, currently on the second reading board, on second reading this day. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Cohenour, Connell, Facey, Gross, Hinebauch, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Welborn, Wolken.
Total 23

Nays: Blasdel, Caferro, Fitzpatrick, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Regier, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Gauthier, Olszewski, Osmundson.
Total 5

President Sales assumed the chair.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 550 - **Governor's Amendments** - Senator Hoven moved Governor's amendments to **HB 550** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Gauthier, Olszewski, Osmundson.
Total 5

HB 405 - **Governor's Amendments** - Senator Moore moved Governor's amendments to **HB 405** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Cohenour, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Welborn, Wolken.
Total 24

Nays: Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Whitford, Mr.President.
Total 24

Paired: Gauthier, Salomon, Wolken, Aye; Fielder, Hoven, Olszewski, No.

Absent or not voting: None.
Total 0

Excused: Brown, Osmundson.
Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 38

Nays: Boland, Cohenour, Gross, MacDonald, Malek, Smith F, Vuckovich.
Total 7

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Gauthier, Olszewski, Osmundson.
Total 5

Majority Leader Thomas moved the Senate reconsider the motion to rise and report and amend the motion to **rise, report and beg leave to sit again**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 43

Nays: Boland, Cohenour.
Total 2

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Gauthier, Olszewski, Osmundson.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJ 28 concurred in as follows:

Yeas: Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Facey, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Salomon, Sands, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.
Total 27

Nays: Ankney, Connell, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Regier, Richmond, Sesso, Smith C, Vance, Vincent, Webb, Welborn, Mr.President.
Total 18

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Gauthier, Olszewski, Osmundson.

Total 5

HB 550, **as amended by the Governor**, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brown, Fielder, Gauthier, Olszewski, Osmundson.
Total 5

MOTIONS

Majority Leader Thomas moved the Senate stand in recess until 8:30 a.m., Friday, April 28, 2017. Senate recessed at 1:38 p.m.

Senate reconvened at 10:02 a.m., Friday, April 28, 2017. President Sales presiding.

MOTIONS

Senator Hinkle moved to change his third-reading vote on **HB 376** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Minority Leader Sesso and Majority Leader Thomas made closing remarks to the Senate. Senator Ankney presented Republican leadership with remembrances.

President Sales made closing remarks to the Senate.

Majority Leader Thomas **moved the Senate adjourn, sine die**. Motion carried.

Senate adjourned at 10:28 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
65TH LEGISLATURE
ADDENDUM JOURNAL

BILLS AND JOURNALS (Keenan, Chair):
Correctly enrolled: **SB 294**, **SB 307**.
Signed by the Speaker at 1:00 p.m., April 27, 2017: **SB 43**, **SB 45**, **SB 46**, **SB 93**, **SB 99**, **SB 116**, **SB 117**, **SB 118**, **SB 144**, **SB 158**, **SB 163**, **SB 175**, **SB 176**, **SB 200**, **SB 207**, **SB 213**, **SB 216**, **SB 240**, **SB 242**, **SB 260**, **SB 274**, **SB 284**, **SB 286**, **SB 291**, **SB 292**.
Signed by the Speaker at 1:10 p.m., April 27, 2017: **SB 25**, **SB 29**, **SB 197**, **SB 241**, **SB 299**, **SB 344**.
Signed by the Speaker at 1:15 p.m., April 27, 2017: **SB 42**, **SB 92**, **SB 120**, **SB 126**.
Signed by the Speaker at 1:20 p.m., April 27, 2017: **SB 27**, **SB 227**, **SJ 13**, **SJ 18**.
Signed by the Speaker at 1:25 p.m., April 27, 2017: **SB 124**, **SB 187**, **SB 285**.
Signed by the Speaker at 1:30 p.m., April 27, 2017: **SB 208**, **SB 254**, **SB 268**, **SB 278**, **SB 279**, **SB 282**, **SB 283**, **SB 325**.
Signed by the Speaker at 1:45 p.m., April 27, 2017: **SB 21**, **SB 73**, **SB 119**, **SB 154**, **SB 245**, **SB 315**, **SB 317**, **SB 329**, **SB 352**.
Signed by the Speaker at 1:50 p.m., April 27 , 2017: **SB 345**, **SJ 6**, **SJ 11**, **SJ 16**.
Signed by the Speaker at 2:00 p.m., April 27, 2017: **SB 26**, **SB 138**, **SB 183**, **SB 321**, **SB 339**.
Signed by the Speaker at 2:05 p.m., April 27, 2017: **SB 176**, **SB 200**, **SB 207**, **SB 213**, **SB 216**, **SB 240**, **SB 242**, **SB 260**, **SB 274**, **SB 284**, **SB 286**, **SB 291**, **SB 292**.
Signed by the President at 11:50 a.m., April 28, 2017: **SB 11**, **SB 15**, **SB 22**, **SB 24**, **SB 30**, **SB 57**, **SB 140**, **SB 160**, **SB 166**, **SB 235**, **SB 276**, **SB 302**, **SB 303**, **SB 324**, **SB 336**, **SB 342**, **SB 362**, **SB 372**.
Signed by the Secretary of the Senate at 12:15 p.m., April 28, 2017: **SB 11**, **SB 15**, **SB 22**, **SB 24**, **SB 30**, **SB 57**, **SB 140**, **SB 160**, **SB 166**, **SB 235**, **SB 276**, **SB 302**, **SB 303**, **SB 324**, **SB 336**, **SB 342**, **SB 362**, **SB 372**.
Delivered to the Governor at 11:02 a.m., May 1, 2017: **SB 200**, **SB 207**, **SB 208**, **SB 213**, **SB 216**, **SB 227**, **SB 240**, **SB 241**, **SB 242**, **SB 245**, **SB 254**, **SB 260**, **SB 268**, **SB 274**, **SB 278**, **SB 279**, **SB 282**, **SB 283**, **SB 284**, **SB 285**, **SB 286**, **SB 291**, **SB 292**, **SB 299**, **SB 315**, **SB 317**, **SB 321**, **SB 325**, **SB 329**, **SB 339**, **SB 344**, **SB 345**.
Delivered to the Governor at 11:03 a.m., May 1, 2017: **SB 21**, **SB 25**, **SB 26**, **SB 27**, **SB 29**, **SB 42**, **SB 43**, **SB 45**, **SB 46**, **SB 73**, **SB 92**, **SB 93**, **SB 99**, **SB 116**, **SB 117**, **SB 118**, **SB 119**, **SB 120**, **SB 124**, **SB 126**, **SB 138**, **SB 144**, **SB 154**, **SB 158**, **SB 163**, **SB 175**, **SB 176**, **SB 183**, **SB 187**, **SB 197**.
Delivered to the Governor at 2:49 p.m., May 1, 2017: **SB 270**.
Transmitted to the House: **HJ 33**, **HJ 43**.
Delivered to the Secretary of State at 10:12 a.m., May 3, 2017: **SB 352**, **SJ 6**, **SJ 11**, **SJ 13**, **SJ 16**, **SJ 18**.
Signed by the President at 10:10 a.m., May 4, 2017: **SB 55**, **SB 95**, **SB 199**, **SB 250**, **SB 261**, **SB 314**, **SB 374**.
Signed by the President at 10:15 a.m., May 4, 2017: **SB 64**, **SB 248**, **SB 309**, **SB 366**.
Signed by the President at 10:20 a.m., May 4, 2017: **SR 64, SJ 31**.
Signed by the President at 10:25 a.m., May 4, 2017: **SB 294**, **SB 307**, **SB 337**.
Signed by the President at 10:30 a.m., May 4, 2017: **SB 127**, **SB 155**, **SB 189**, **SJ 3**, **SJ 5**, **SJ**

9, **SJ 19**, **SJ 20**, **SJ 21**, **SJ 23**, **SJ 25**, **SJ 27**, **SJ 28**, **SJ 29**, **SJ 32**.

Signed by the President at 10:35 a.m., May 4, 2017: **SB 59**, **SB 63**, **SB 90**, **SB 94**, **SB 111**, **SB 123**, **SB 143**, **SB 153**, **SB 159**, **SB 172**, **SB 173**, **SB 174**, **SB 177**, **SB 193**, **SB 196**, **SB 198**, **SB 205**, **SB 218**, **SB 233**, **SB 258**, **SB 272**, **SB 293**, **SB 295**, **SB 310**, **SB 311**, **SB 312**, **SB 333**, **SB 340**, **SB 341**, **SB 363**.

Signed by the President at 5:50 p.m., May 4, 2017: **SB 132**, **SB 167**, **SB 168**, **SB 359**, **SB 368**.

Signed by the Secretary of the Senate at 5:50 p.m., May 4, 2017: **SB 55**, **SB 95**, **SB 261**, **SB 314**, **SB 374**, **SJ 31**.

Signed by the Secretary of the Senate at 5:55 p.m., May 4, 2017: **SB 64**, **SB 127**, **SB 155**, **SB 189**, **SB 199**, **SB 248**, **SB 250**, **SB 294**, **SB 307**, **SB 309**, **SB 337**, **SB 366, SR 64**.

Signed by the Secretary of the Senate at 6:00 p.m., May 4, 2017: **SB 132**, **SB 167**, **SB 168**, **SB 359**, **SB 368**, **SJ 3**, **SJ 5**, **SJ 9**, **SJ 19**, **SJ 20**, **SJ 21**, **SJ 23**, **SJ 25**, **SJ 27**, **SJ 28**, **SJ 29**, **SJ 32**.

Signed by the Secretary of the Senate at 6:05 p.m., May 4, 2017: **SB 94**, **SB 198**, **SB 310**, **SB 333**, **SB 340**, **SB 363**.

Signed by the Secretary of the Senate at 6:10 p.m., May 4, 2017: **SB 59**, **SB 63**, **SB 90**, **SB 111**, **SB 123**, **SB 143**, **SB 153**, **SB 159**, **SB 172**, **SB 173**, **SB 174**, **SB 177**, **SB 193**, **SB 196**, **SB 205**, **SB 218**, **SB 233**, **SB 258**, **SB 272**, **SB 293**, **SB 295**, **SB 311**, **SB 312**, **SB 341**.

Delivered to the Secretary of State at 9:39 a.m., May 5, 2017: **SR 64**.

Signed by the Speaker at 10:00 a.m., May 10, 2017: **SB 11**, **SB 15**, **SB 22**, **SB 24**, **SB 30**, **SB 55**, **SB 57**, **SB 59**, **SB 63**, **SB 64**, **SB 90**, **SB 94**, **SB 95**, **SB 111**, **SB 123**, **SB 127**, **SB 132**, **SB 140**, **SB 143**, **SB 153**, **SB 155**, **SB 159**, **SB 160**, **SB 166**, **SB 167**, **SB 168**, **SB 172**, **SB 173**, **SB 174**, **SB 177**, **SB 189**, **SB 193**, **SB 196**, **SB 198**, **SB 199**, **SB 205**, **SB 218**, **SB 233**, **SB 235**, **SB 248**, **SB 250**, **SB 258**, **SB 261**, **SB 272**, **SB 276**, **SB 293**, **SB 294**, **SB 295**, **SB 302**, **SB 303**, **SB 307**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 314**, **SB 324**, **SB 333**, **SB 336**, **SB 337**, **SB 340**, **SB 341**, **SB 342**, **SB 359**, **SB 362**, **SB 363**, **SB 366**, **SB 368**, **SB 372**, **SB 374**, **SJ 3**, **SJ 5**, **SJ 9**, **SJ 19**, **SJ 20**, **SJ 21**, **SJ 23**, **SJ 25**, **SJ 27**, **SJ 28**, **SJ 29**, **SJ 31**, **SJ 32**.

Delivered to the Governor at 2:35 p.m., May 17, 2017: **SB 11**, **SB 15**, **SB 22**, **SB 24**, **SB 30**, **SB 55**, **SB 57**, **SB 59**, **SB 63**, **SB 64**, **SB 90**, **SB 94**, **SB 95**, **SB 111**, **SB 123**, **SB 127**, **SB 132**, **SB 140**, **SB 143**, **SB 153**, **SB 155**, **SB 159**, **SB 160**, **SB 166**, **SB 167**, **SB 168**, **SB 172**, **SB 173**, **SB 174**, **SB 177**, **SB 189**, **SB 193**, **SB 196**, **SB 198**, **SB 199**, **SB 205**, **SB 218**, **SB 233**, **SB 235**, **SB 248**, **SB 250**, **SB 258**, **SB 261**, **SB 272**, **SB 276**, **SB 293**, **SB 294**, **SB 295**, **SB 302**, **SB 303**, **SB 307**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 314**, **SB 324**, **SB 333**, **SB 336**, **SB 337**, **SB 340**, **SB 341**, **SB 342**, **SB 359**, **SB 362**, **SB 363**, **SB 366**, **SB 368**, **SB 372**, **SB 374**.

Delivered to the Secretary of State at 2:48 p.m., May 17, 2017: **SJ 3**, **SJ 5**, **SJ 9**, **SJ 19**, **SJ 20**, **SJ 21**, **SJ 23**, **SJ 25**, **SJ 27**, **SJ 28**, **SJ 29**, **SJ 31**, **SJ 32**.

MESSAGES FROM THE GOVERNOR

April 28, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 270 (SB 270), "AN ACT GENERALLY REVISING LAWS RELATED TO THE LEASE OR CONSTRUCTION OF BUILDINGS FOR THE STATE; REVISING THE TYPES OF LEASES AND BUILDING CONSTRUCTION THAT MUST BE APPROVED BY THE LEGISLATURE; PROHIBITING CERTAIN PROVISIONS IN LEASES; AMENDING SECTIONS 2-17-101 AND 18-2-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Discussion of infrastructure investment has dominated the 65th legislative session. Montanans have watched and waited to see if elected officials in Helena could put the interests of Montana first and partisan politics aside.

My amendments to SB 270 provide us with that opportunity. With these amendments, we can invest in a Veterans Home to serve those who have sacrificed and served their country with honor; we can invest in our thriving campus at MSU where we educate engineers, nurses, and the students who represent the future of Montana agriculture; and we can preserve the unique history of Montana, that draws thousands of tourists to our state every year to experience the lure of the west.

I present these amendments, only after other bills that would have invested in critical infrastructure, like HB 14, HB 645 and SB 367, have died in the legislative process. I hope that Democrats and Republicans alike will join me in this final effort to deliver needed infrastructure and the jobs it brings for all Montana.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
65TH LEGISLATURE

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **Senate bill** concurred in and returned to the Senate: 4/28/2017

SB 307, introduced by L. Jones

Conference Committee Report No.1 adopted: 4/28/2017

SB 294, introduced by S. Fitzpatrick

MESSAGES FROM THE GOVERNOR

May 4, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, May 4, 2017, I signed and delivered the following bills to the Secretary of State:

SB 21- E. Buttrey
SB 25 - M. Blasdel
SB 26 - S. Malek
SB 27 - F. Thomas
SB 29 - D. Sands
SB 42 - D. Barrett
SB 43 - J. Sesso
SB 45 - M. MacDonald
SB 46 - C. Vincent
SB 73 - P. Connell
SB 92 - A. Olszewski
SB 118 - M. McNally
SB 119 - J. Hinkle
SB 120 - N. Swandal
SB 138 - D. Ankney
SB 144 - R. Webb
SB 158 - M. MacDonald
SB 183 - J. Welborn
SB 187 - J. Cohenour
SB 197 - T. Gauthier

SB 200 - E. Buttrey
SB 207 - F. Moore
SB 213 - J. Cohenour
SB 216 - F. Thomas
SB 227 - J. Cohenour
SB 240 - E. Buttrey
SB 241 - E. Buttrey
SB 242 - S. Malek
SB 245 - D. Salomon
SB 254 - M. Blasdel
SB 268 - S. Fitzpatrick
SB 274 - E. Buttrey
SB 278 - S. Hinebauch
SB 279 - C. Vincent
SB 283 - A. Olszewski
SB 284 - M. Lang
SB 285 - M. Lang
SB 286 - F. Moore
SB 291 - T. Facey
SB 292 - T. Facey
SB 299 - T. Richmond
SB 315 - C. Vincent
SB 321 - A. Olszewski
SB 325 - B. Hoven
SB 339 - D. Ankney
SB 344 - F. Moore

I have vetoed **SB 126** - K. Regier, **SB 117** - R. Webb, **SB 154** - M. Lang, **SB 345** - C. Smith, **SB 184** - F. Moore, and **SB 329**, K. Regier. These bills and veto messages have been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 4, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 117** (SB 117), "AN ACT REVISING LAWS REGARDING THE DELEGATION OF POWERS OVER A CHILD BY A PARENT OR LEGAL GUARDIAN BY EXECUTING A POWER OF ATTORNEY; PROVIDING THAT AN EXECUTION OF A POWER OF ATTORNEY DOES NOT CONSTITUTE ABANDONMENT FOR CHILD ABUSE AND NEGLECT PURPOSES; PROVIDING THAT A PERSON OR ENTITY INVOLVED IN AN EXECUTION OF A POWER OF ATTORNEY IS NOT SUBJECT TO CHILD PLACEMENT AND YOUTH CARE FACILITY LICENSURE LAWS; AND AMENDING SECTIONS 41-3-102, 52-2-602, 52-8-101, 52-8-103, AND 72-5-103, MCA."

SB 117 would allow parents to transfer the care and responsibility of their children to an unlicensed person or unlicensed "substitute care" for an unlimited time, using the power of attorney. The power of attorney can be re-executed any number of times, meaning children could be delivered indefinitely to third parties with no contact from their parents.

Even more disturbing, there are absolutely no protections for children in this bill. There is no requirement that a background check be conducted with regard to the person receiving a child. There are no minimum standards for the safety and welfare of the children. There is no requirement for a home check. There is no requirement that the parents visit or maintain communication with the child. Under existing law, organizations placing children in foster care or for adoption must be licensed and meet specific standards. If SB 117 passed, these licensed entities could be bypassed entirely.

Current law already allows for parents to temporarily place their children in the custody of someone else using the power of attorney for up to six months. SB 117 is an unnecessary and dangerous expansion of the law. This bill would put children at risk.

For these reasons, I veto SB 117.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 4, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

I accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 126** (SB 126), "AN ACT REVISING LAWS RELATED TO APPEALS OF PROPERTY VALUATION FOR TAX PURPOSES; ALLOWING THE DEPARTMENT OF REVENUE AND THE TAXPAYER TO PROVIDE INDEPENDENT APPRAISALS TO THE STATE TAX APPEAL BOARD; AMENDING SECTIONS 15-2-301, MCA; AND PROVIDING AN APPLICABILITY DATE."

Current law requires the State Tax Appeal Board to consider an independent appraisal provided by a taxpayer in a property appeal. The Board has the discretion to determine whether the appraisal is credible and accurate. The Montana Supreme Court has held that "tax appeal boards are particularly suited for settling disputes over the appropriate valuation of a given piece of property, and the judiciary cannot properly interfere with that function." *DeVoe v. Department of Revenue,* 233 Mont. 190, 759 P.2d 991 (1988). SB 126 limits the discretion of the Board--the expert in determining tax appeals--by requiring it to accept the taxpayer's independent appraisal as the presumed value. Even appraisals that value a property for purposes other than full market value (such as liquidation, partial interest, market value, leasehold, etc.) and are therefore not compatible, would have to be accepted by the Board as the established value.

The requirement to accept the independent appraisal as the market value shifts the burden of proof from the taxpayer to the Department of Revenue (Department). The Montana Supreme Court has clearly stated that the appraisal reached by the Department is presumed to be correct, and the burden is upon the taxpayer to overcome this presumption. *Farmers Union Central Exchange v. DOR*, 272 Mont. 471, 476, 901 P.2d 561, 564 (1995). Additionally, § 26-1-401, MCA, requires the burden of proof "is on the party who would be defeated if no evidence were given on either side." Most other states adhere to this maxim. As a mass appraisal state, there must be some reliance on the expertise of the Department's appraisers and their knowledge of the values across the state. To immediately dismiss those values with the submission of an independent appraisal, that may or may not be credible, will result in inequitable values in violation of the Montana Constitution. *See, Larson v. Department of Revenue*, 166 Mont 449, 534 P.2d 854 (1975).

Also, provisions of the bill require a taxpayer to have owned the property for a period of at least a five years for their independent appraisal to be presumed correct. A taxpayer who owns the property for less than five years will still have the burden of proof. This is an arbitrary distinction

that could raise issues of equal protection between taxpayers of these two classes.

For these reasons, I veto SB 126.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 4, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

I accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 154** (SB 154), "AN ACT ELIMINATING CERTAIN INCENTIVES FOR NET-METERED SYSTEMS; ELIMINATING CERTAIN SMALL GENERATION EQUIPMENT TAX EXEMPTIONS FOR NET-METERED SYSTEMS; ELIMINATING CERTAIN TAX CREDITS FOR NET-METERED SYSTEMS; PROHIBITING USE OF THE STATE BUILDING ENERGY CONSERVATION ACT FOR NET-METERED SYSTEMS; ELIMINATING USE OF THE ENERGY DEVELOPMENT AND DEMONSTRATION GRANT PROGRAM FOR NET-METERED SYSTEMS; AMENDING SECTIONS 15-6-224, 15-32-202, 15-32-301, 15-32-402, 15-32-404, 90-4-602, AND 90-4-1005, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 154 makes net metered systems ineligible for tax credits and incentives which are designed to encourage the use of alternative energy sources. Removing the tax credit for residential net metering systems would increase the out-of-pocket costs of net metering systems, and may decrease Montanans' interest in investing in net metering renewable energy systems going forward.

SB 154 also prevents the State Building Energy Conservation Program from using net metering, making it difficult for the state to install cost-effective alternative energy on state facilities; projects that would ultimately save taxpayer dollars.

In the Energy Blueprint I released in June of 2016, I committed to oppose any efforts to weaken

our current net metering statutes. At this point in time I believe the distributed generation business sector would be negatively impacted by this bill. The number of new net metered systems being developed would be reduced as customers are forced to weight the risks of potential investments. Additionally, limiting the options available to state facilities to save money would prevent us from reducing costs for all Montanans.

For these reasons, I veto SB 154.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 4, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

I accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I **veto Senate Bill 184** (SB 184), "AN ACT REVISING LAWS TO ALLOW A WORKERS' COMPENSATION INSURER TO TERMINATE PAYMENT OF BENEFITS ON THE BASIS OF FRAUD, MISTAKE, OR RECEIPT OF EVIDENCE OF NONLIABILITY; AMENDING SECTION 39-71-609, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

After initially accepting a claim for benefits, Montana Code Annotated 39-71-609 provides that a workers' compensation insurer may, upon further investigation, unilaterally terminate benefits by giving 14 days' written notice to the claimant. Interpreting this law, the Montana Supreme Court has ruled that 14 days' written notice is not required when the insurer discovers that the claim is based on fraud. In that instance, the insurer has the right to terminate benefits immediately. SB 184 would extend the insurer's right to immediately terminate benefits to cases 1) involving a mutual mistake of material fact or 2) upon receiving evidence that the insurer was not liable for benefits.

No compelling policy arguments exist to allow a workers' compensation insurer to immediately terminate benefits in cases ***not*** involving fraud, without notice to the claimant and without judicial review. The workers' compensation system is "intended to be primarily self-

administering" and is designed to provide great predictability and certainty for employers, employees, and medical providers. Proponents of the legislation did not present any evidence that these changes would enhance certainty or drive down costs. In fact, these new provisions would likely have the opposite effect, encouraging more litigation and additional costs.

I sent SB 184 back to the legislature with amendments to clarify that termination of benefits due to fraud may occur without notice, but that termination of benefits due to mutual mistake requires 14 days' notice. Further, under my amendments, termination of benefits for other reasons could have continued to occur as already provided by law. Unfortunately, the legislature rejected my amendments.

For these reasons, I must now veto SB 184.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 4, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620
Dear Secretary Stapleton:

I accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 329** (SB 329), "AN ACT ADOPTING THE MONTANA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT; PROHIBITING THE ABORTION OF AN UNBORN CHILD CAPABLE OF FEELING PAIN; PROVIDING EXCEPTIONS; PROVIDING DEFINITIONS; PROVIDING PENALTIES; PROVIDING CIVIL REMEDIES; PROVIDING PRIVACY PROTECTIONS; AND AMENDING SECTIONS 50-20-102 AND 50-20-109, MCA."

In 1999, the Montana Supreme Court ruled that the heightened right to privacy in Article II, Section 10 of the state constitution "guarantees each individual the right to make medical judgments affecting her or his bodily integrity and health in partnership with a chosen health care provider free from government interference." Further, for over forty years the U.S. Supreme Court has recognized that the U.S. Constitution prohibits a state from banning abortion. SB 329 runs counter to these decisions and to repeated Supreme Court rulings that a

woman has a right to access abortion at all states of pregnancy when necessary to protect her life *and* health.

As a father, husband, and son, I stand firmly opposed to restrictions on a woman's ability to make deeply personal medical decisions in consultation with her medical provider, family members, and spiritual leaders. Montana's elected officials have no business substituting their personal beliefs for the sound medical judgment of our healthcare professionals or the deeply personal medical decisions of their constituents.

For these reasons, I veto SB 329.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 4, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

I accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 345** (SB 345), "AN ACT RELATING TO HIGH-DEDUCTIBLE HEALTH INSURANCE PLANS AND EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS; PROVIDING VARIOUS TAX INCENTIVES; IMPOSING DUTIES ON THE COMMISSIONER OF INSURANCE; PROVIDING RULEMAKING AUTHORITY TO THE COMMISSIONER OF INSURANCE; ALLOWING AN INCOME TAX CREDIT FOR CERTAIN EMPLOYER CONTRIBUTIONS TO HIGH-DEDUCTIBLE HEALTH INSURANCE PREMIUMS AND HEALTH REIMBURSEMENT ARRANGEMENT-ONLY PLANS; ALLOWING A REDUCTION IN ADJUSTED GROSS INCOME TO CERTAIN TAXPAYERS FOR HEALTH REIMBURSEMENT ARRANGEMENT-ONLY BENEFITS AND HIGH-DEDUCTIBLE HEALTH INSURANCE PREMIUMS; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF REVENUE; AMENDING SECTIONS 15-30-2110 AND 15-30-2131, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

As Governor, I manage the state's tax dollars with an eye toward fiscal responsibility, not unlike

Montana's small business owners. SB 345, as amended, would create a new tax credit for employers providing high-deductible insurance or a reimbursement-only health plan as a fringe benefit for their employees. SB 345 is fiscally irresponsible.

This bill would put the State of Montana in the business of providing financial incentives to employers to offer health plans that shift much more of the costs of receiving healthcare onto the employees. These plans are touted as enhancing savings for employers. If that is the case, they need not be subsidized with public funds.

For these reasons, I veto SB 345.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 7, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Sunday, May 7, 2017, I signed and delivered the following bills to the Secretary of State:

SB 124 - E. McClafferty

Sincerely,

STEVE BULLOCK
Governor

May 8, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, May 8, 2017, I signed and delivered the following bills to the Secretary of State:

SB 163 - K. Regier

I have vetoed **SB 93** - T. Richmond, **SB 99** - C. Smith, **SB 208** - M. Caferro, and **SB 282** - A. Olszewski. These bills and veto messages have been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 8, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 93** (SB 93), "AN ACT REVISING OIL AND GAS OPERATIONS' NOTICE REQUIREMENTS; REQUIRING NOTICE BE PROVIDED TO CERTAIN PROPERTY OWNERS; DEFINING TERMS; REQUIRING NOTICE TO ALLOW FOR THE EVALUATION OF DRILLING AND COMPLETION OPERATIONS; AND AMENDING SECTIONS 82-10-502 AND 82-10-503, MCA."

SB 93 weakens existing notification standards passed by the Board of Oil and Gas Conservation (Board) by reducing the notification distance from 1,320 feet to 990 feet and eliminating notification requirements to any occupied structures "suited for human occupancy," such as schools, offices, and hospitals.

The existing notification standards were put into place by the Board on December 14, 2016, after nearly 20 months of work and deliberation. As a result, the Board adopted a notification rule that enables a landowner to work with oil and gas companies to address concerns or bring concerns to the Board of Oil and Gas Conservation. The notification rule came about after the Board formed a committee to examine whether to adopt a numeric setback limit for how close oil and gas wells could be to any structure. While the Board ultimately decided to forego setback regulations, it did pass the current notification rule because it would allow the board to consider establishing conditions for issuance of a drilling permit near an occupied structure. This process was heavily vetted and is a compromise between landowners' and the industry's interests.

Concerns were raised by proponents of SB 93 that the Board may not have authority to pass a notification rule. This was considered and explicitly addressed during the Board's public comment period. The Board determined that it has the authority to adopt this rule under 82-11-122, 82-11-127, 82-11-134, and 82-11-141, MCA, and the Board voted to adopt the drilling notice requirement prior to the legislative session.

The current rule, adopted after a nearly 20-month review of the merits, considerations, and legality of establishing drilling notification for adjacent landowners, is weakened by SB 93.

For these reasons, I veto SB 93.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 8, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

I accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 99** (SB 99), "AN ACT PROHIBITING THE ENFORCEMENT OF A POTENTIAL FEDERAL BAN ON FIREARMS, MAGAZINES, AND AMMUNITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 99 prohibits Montana state employees or peace officers from enforcing any federal ban on firearms, magazines, or ammunition. It is nearly identical to bills I vetoed during the 2013 and 2015 legislative sessions because those bills put law enforcement officers in the position of violating laws they are sworn to uphold. All Montana public safety officers taken an oath upon graduation from the Montana Law Enforcement Academy to "enforce or apply all laws and regulations appropriately, courteously, and responsibly." They also commit to "work in unison with all legally authorized agencies and their representatives in the pursuit of justice." In oppositional testimony, law enforcement officials expressed concerns that SB 99 would subject our law enforcement officers and other public officials to criminal sanctions for upholding the oaths that we ask them to take.

Further, SB 99 is unnecessary. Congress has not taken any action to ban firearms or magazines. I am and always have been a staunch supporter of our second amendment rights. This bill, however, is unnecessary political theater and puts law enforcement in an untenable position.

For these reasons, I veto SB 99.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 8, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 208** (SB 208), "AN ACT ESTABLISHING REQUIREMENTS FOR THE USE OF MONEY APPROPRIATED FOR MEDICAID HOME AND COMMUNITY-BASED WAIVER SLOTS; PROVIDING DIRECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ON THE 0208 WAIVER FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; AND PROVIDING AN EFFECTIVE DATE."

SB 208 restricts how the Department of Public Health and Human Services (DPHHS) may use

funding for home and community-based nursing care and other services. The bill would prohibit the transfer of unencumbered funding for these services between DPHHS divisions, and further requires that the Department address workforce shortages and other barriers to the full utilization of the funding set aside by the legislature for home and community-based services. Unfortunately, SB 208 would prevent the full use of DPHHS resources and harm the very people that need these services.

Home and community-based "waivers" are Medicaid services that assist in keeping people in their home or community, rather than a nursing home or the Montana Developmental Center. The cost of the home and community care can vary widely from less than $10,000 to over $400,000 annually per person. The DPHHS operates home and community-based waivers in three different divisions: (1) Senior and Long term care (serving the elderly and physically disabled); (2) Addictive and Mental Disorders (serving people with serious mental health issues who need a nursing-home level of care); and (3) Developmental Services (serving people with developmental disorders). Under SB 208, if the DPHHS is unable to find a community placement for a client with serious mental illness but *can* find a community placement for an older Montanan, the Department would be prohibited from using the available funding between divisions to allow the older Montanan to be served. In this scenario, rather than just one person going without services, two would not be served.

SB 208 also instructs the DPHHS to solve workforce shortages and other barriers to providing in-home health services. One way to address these issues would be to raise the hourly wage for direct care providers. However, the funding for home and community-based waiver slots is a fixed amount. Using limited waiver dollars to subsidize employer wages would mean that fewer dollars would be available to pay for services for those who need them. In this scenario, each person's services cost more so that fewer people can be served.

Current state law provides the DPHHS with the flexibility to manage the Medicaid program in a manner that can address an unforeseen health care crisis and/or rapidly respond to an opportunity for improved services, improved payment strategies or cost containment. The restrictions proposed by SB 208 are not an efficient or fiscally responsible way to manage government. Further, these restrictions would be detrimental to the very people these programs serve.

For these reasons, I veto SB 208.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 8, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 282** (SB 282), "AN ACT REVISING ABORTION LAWS TO RESTRICT THE PERFORMANCE OF AN ABORTION OF A VIABLE FETUS; REVISING THE DEFINITION OF A VIABLE FETUS; PROVIDING FOR THE DELIVERY OF A VIABLE FETUS IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTIONS 50-20-102, 50-20-104, 50-20-106, 50-20-108, 50-20-109, 50-20-110, AND 50-20-306, MCA."

SB 282 bans abortion after a fetus achieves viability, which the bill defines as when a fetus has a 50 percent chance of living outside the woman's body. Because an outright ban on abortion would not withstand constitutional scrutiny, the sponsors of the bill attempt to circumvent *Roe v. Wade* by imposing an arbitrary "chance of survival" standard. The "chance of survival" standard is not supported either medically or legally.

Restrictions similar to SB 282 were attempted by politicians in Idaho in 2013 and Arizona in 2015. These restrictions were challenged in the Ninth Circuit Court of Appeals, which has jurisdiction over federal appeals in Montana. The court struck down both bans, holding that the U.S. Supreme Court has been "unalterably clear" that "a woman has a constitutional right to choose." SB 282 also runs counter to repeated Supreme Court rulings that establish a woman has a right to access abortion at all stages of pregnancy when necessary to protect her life *and* health. If this bill were enacted, a woman could be subject to forced caesarian section or inducement of labor if continuing her pregnancy after viability threatened her life -- in violation of established legal precedent.

Montana's elected officials have no business substituting their personal beliefs for the sound medical judgment of our healthcare professionals or the deeply personal medical decisions of their constituents. As a father, husband, and son, I stand firmly opposed to restrictions on a woman's ability to make deeply personal medical decisions in consultation with her medical provider, family members, and spiritual leaders.

For these reasons, I veto SB 282.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 9, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Tuesday, May 9, 2017, I vetoed and delivered the following bill and veto message to the Secretary of State:

SB 270 - D. Kary

Sincerely,

STEVE BULLOCK
Governor

May 9, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 270** (SB 270), "AN ACT GENERALLY REVISING LAWS RELATED TO THE LEASE OR CONSTRUCTION OF BUILDINGS FOR THE STATE; REVISING THE TYPES OF LEASES AND BUILDING CONSTRUCTION THAT MUST BE APPROVED BY THE LEGISLATURE; PROHIBITING CERTAIN PROVISIONS IN LEASES; AMENDING SECTIONS 2-17-101 AND 18-2-102; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 270 requires legislative approval for certain leases of buildings for state use. Under the bill,

an initial lease for a building of more than 10,000 square feet, a renewal of a lease for a building of more than 30,000 square feet, and any lease for a term of more than 10 years must be submitted a part of the long-range building program and approved by the legislature.

SB 270 unreasonably interferes with the day-to-day operations of the executive branch. Existing law provides appropriate and adequate sideboards on the leasing of buildings for state programs and services. Decisions are made daily by state employees in compliance with the provisions established in law within the resources allocated by the legislature. The Executive is responsible for operating state government in the most efficient and cost-effective manner, both during and after the legislative session.

It is not the job of the legislature to micromanage as SB 270 proposes, but rather to set reasonable parameters to be implemented throughout the biennium. The narrowness and punitive nature of SB 270 does not further the cause of effective government.

For these reasons, I respectfully ask you to oppose SB 270 and sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 11, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, May 11, 2017, I signed and delivered the following bills to the Secretary of State:

SB 260 - L. Jones

I have vetoed **SB 116** - M. Blasdel, **SB 175** - R. Webb, **SB 176** - R. Webb. These bills and veto messages have been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 11, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me a Governor by the Constitution and laws of the State of Montana, I hereby **veto Senate Bill 116** (SB 116), "AN ACT PROVIDING THAT A FALSE STATEMENT IN AN EMPLOYER-PROVIDED QUESTIONNAIRE UNDER CERTAIN CIRCUMSTANCES IS A BASIS FOR BARRING WORKERS' COMPENSATION BENEFITS; AND PROVIDING AN EFFECTIVE DATE."

An individual's private medical information is one of their most protected privacy interests, under both state and federal law. The conditions under which a worker is required to provide medical information to a prospective employer must be handled with that privacy right clearly defined and respected at the outset. SB 116 does not accomplish that task, is unnecessary, and will increase costs of litigation under both the Workers' Compensation Act and under the Human Rights Act.

SB 116 bars workers' compensation benefits to an injured worker if, at the time they were hired, they made a false representation concerning a medical condition.

In doing so, it fails to recognize protections for employees regarding medical inquiries under state and federal disability discrimination laws. The bill will encourage litigation under the Americans with Disabilities Act (ADA) because it does not properly protect workers from potential discrimination based on a disability related to a medical condition. In this failure, SB 116 may lead Montana's employers to make unlawful medical inquiries that do not equally apply to all applicants and are not job related and consistent with the demands of the job.

And, as I have already noted regarding HB 358 and SB 184, pursuant to 39-71-105(4), MCA, "Montana's workers' compensation and occupational disease insurance systems are intended

to be primarily self-administering" and "the system must be designed to minimize reliance upon lawyers and the courts to obtain benefits and interpret liabilities." SB 116 runs afoul of this basic principle of workers' compensation law and introduces potential for discrimination in hiring.

For these reasons, I veto SB 116.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 11, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 175** (SB 175), "AN ACT REVISING LANDLORD'S RIGHT TO ENTER AND REPAIR WHEN TENANT FAILS TO MAINTAIN A DWELLING; PROVIDING FOR AN ACTION AGAINST AN UNAUTHORIZED PERSON; REVISING THE TIMING FOR LANDLORD'S ACTION TO BE HEARD; REVISING REQUIREMENTS RELATED TO LANDLORD'S DISPOSITION OF ABANDONED PERSONAL PROPERTY; AMENDING SECTIONS 70-24-425, 70-24-427, 70-24-430, 70-33-425, 70-33-427, AND 70-33-430, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 175 is one of more than a dozen bills that were introduced this session seeking to overhaul landlord-tenant law in Montana. If enacted, these bills would significantly alter the Residential Landlord and Tenant Act that has been in place since 1977. If there are problems with the state of landlord-tenant law in Montana, I would encourage the legislature to engage in a balanced, independent and thoughtful study of the issue rather than the haphazard approach of the slate of bills introduced this session. While I believe some bills introduced this session are appropriately balanced and reasonable, others are not.

SB 175 alters long-standing provisions of landlord-tenant law in a manner that is not reasonable. Under existing law, a landlord may, upon 14 days' written notice to the tenant,

enter a tenant's dwelling to address issues with the rental affecting *health and safety*. The 14-day time period exists so that a tenant can correct health and safety problems themselves, after notification by the landlord. If no remedial action has taken place after 14 days, the landlord may enter the premises, fix the problem, and thereafter charge the tenant for the costs of the remedial action.

SB 175 vastly expands the reasons for which a landlord may enter a dwelling for tenant "noncompliance" and shortens the timelines for tenants to remedy any "noncompliance" themselves. Under this bill, the categories of "noncompliance" for which a landlord may enter the premises would go far beyond health and safety to include *any* violation of the landlord's *rules* governing the unit, and any violations of the terms of the *rental agreement*. SB 175 would also shorten the timeline for the tenant to come into compliance to seven days. Further, the bill gives the landlord the right to repair newly discovered problems while inspecting the unit, and charge the tenant for those repairs, regardless of whether the current tenant caused those problems. These provisions, when read together, will lead to far greater intrusion by the landlord into the dwelling as well as far greater costs being charged to tenants--including costs for problems they did not themselves cause.

Even more problematic, SB 175 drastically and unrealistically shortens timelines for courts to hear and decide landlord-tenant claims. Most landlord-tenant claims are heard in justice courts, with concurrent and appellate jurisdiction in district courts. The bill would shorten the time period for a court to hold a hearing in a landlord-tenant dispute from 14 days to five days after the tenant's appearance or after the date the answer is due. In some instances, SB 175 requires the courts to hold a hearing within three days of the filing of a landlord's claim, regardless of whether the tenant even knows of the existence of the claim. The bill further requires that courts *decide* certain cases within five days of a hearing.

These timelines are completely unworkable. The courts of this state already have full dockets, including criminal cases that must comply with the constitutional right to a speedy trial. Courts simply cannot set aside their schedules to accommodate civil landlord-tenant claims. Further, serious violations of due process may occur because tenants may not even receive their summons before a hearing has been scheduled. Had this issue been more thoroughly studied, perhaps more reasonable timeframes could have been developed.

For these reasons, I veto SB 175.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 11, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 176** (SB 176), "AN ACT REVISING REQUIREMENTS FOR LANDLORDS TO MAINTAIN PREMISES; REVISING LANDLORDS' ACCESS TO PREMISES; AMENDING SECTIONS 70-24-303, 70-24-312, 70-24-424, 70-24-426, 70-33-303, 70-33-312, AND 70-33-426, MCA; REPEALING SECTIONS 70-24-322 AND 70-33-322, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 176 is one of more than a dozen bills that were introduced this session seeking to overhaul landlord-tenant laws in Montana. If enacted, these bills would significantly alter the Residential Landlord and Tenant Act that has been in place since 1977. If there are problems with the state of landlord-tenant law in Montana, I would encourage the legislature to engage in a balanced, independent and thoughtful study of the issue rather than the haphazard approach of the slate of bills introduced this session. While I believe some bills introduced this session are appropriately balanced and reasonable, others are not.

SB 176 strikes in its entirety the current legal requirement that a landlord may not knowingly allow any tenant or other person to engage in activity that creates a reasonable potential that the premises will be damaged or destroyed or that neighboring tenants may be injured. This provision is not one that can be cast aside--it is a fundamental part of a landlord's obligation to ensure the safety of his or her tenants. If a landlord knows a tenant is engaging in activity that could injure other tenants or damage their dwelling units, the landlord has an obligation to intervene. The responsibility properly lies with the landlord, as other tenants cannot be expected to take matters into their own hands. Removing this common sense safety provision will increase tenant conflict, and decrease tenant safety.

For this reason, I veto SB 176.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

SENATE JOURNAL
ADDENDUM
65TH LEGISLATURE

May 12, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, May 12, 2017, I delivered the following bill to the Secretary of State without my signature:

SB 317 - D. Salomon

Sincerely,

STEVE BULLOCK
Governor

May 18, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, May 18, 2017, I delivered the following bill to the Secretary of State:

SB 363 - C. Vincent

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
65TH LEGISLATURE

May 19, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, May 19, 2017, I signed and delivered the following bills to the Secretary of State:

SB 22 - S. Malek
SB 55 - D. Salomon
SB 59 - C. Wolken
SB 63 - C. Wolken
SB 64 - C. Wolken
SB 123 - N. Swandal
SB 153 - M. MacDonald
SB 160 - M. Caferro
SB 167 - C. Vincent
SB 172 - M. Lang
SB 198 - M. Caferro
SB 199 - M. Caferro
SB 205 - A. Olszewski
SB 250 - N. Swandal
SB 272 - R. Webb
SB 302 - E. Buttrey
SB 307 - L. Jones
SB 309 - L. Whitford
SB 310 - L. Whitford
SB 324 - R. Tempel
SB 333 - M. Caferro

I have vetoed **SB 368** - T. Richmond, and delivered the bill and veto message to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 19, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 368** (SB 368), "AN ACT GENERALLY REVISING CAMPAIGN PRACTICES LAWS; REVISING THE DEFINITION OF "EXPENDITURE"; INCREASING FILING FEES FOR LEGISLATIVE CANDIDATES; REVISING PROCEDURES USED BY THE COMMISSIONER TO ISSUE ORDERS OF NONCOMPLIANCE; REVISING LAWS RELATED TO INVESTIGATION OF CAMPAIGN PRACTICES AND ELECTION-RELATED COMPLAINTS; CREATING AN APPEAL PROCEDURE FOR A CANDIDATE, POLITICAL COMMITTEE, OR RESPONDENT TO APPEAL CERTAIN COMPLAINTS OR PRELIMINARY ORDERS OF NONCOMPLIANCE THAT ARE FILED OR ISSUED DURING CERTAIN TIME PERIODS; REVISING LIMITATIONS ON CAMPAIGN CONTRIBUTIONS; PROVIDING THAT THE COMMISSIONER MAY NOT INITIATE A CRIMINAL ACTION AGAINST A CANDIDATE FOR CERTAIN VIOLATIONS; REVISING THE AGGREGATE CONTRIBUTION AMOUNT THAT TRIGGERS DISCLOSURE OF CERTAIN CONTRIBUTOR INFORMATION; AND AMENDING SECTIONS 13-1-101, 13-10-202, 13-37-113, 13-37-115, 13-37-121, 13-37-124, 13-37-128, 13-37-206, 13-37-216, 13-37-218, 13-37-229, AND 13-37-232, MCA."

SB 368 restructures the Office of the Commissioner of Political Practices (COPP) and substantially raises campaign contribution limits in Montana. The proposed changes to the structure of the office would completely undermine its effectiveness and the increases in contribution limits are far above what Montanans believe to be acceptable. We would do well to remember that Montanans sent a very clear message with the passage of I-166 in 2012 that we do not need more money in politics.

SB 368--among other things--imposes costly, on-demand mediation; confuses provisions of the law concerning complaint investigations with provisions concerning reporting requirements; and shifts the venue for enforcement actions out of Lewis and Clark County. First, on-demand mediation could be exploited to delay and increase the costs of enforcement by those who wish to operate in violation of the law for as long as possible. Second, existing law provides statutory authority to investigate potential campaign violations and *separate* authority to issue orders of noncompliance for failure to file required reports and statements. SB 368 confuses and merges these two authorities, creating a more complicated, confusing and unworkable system of enforcement. Third, shifting the venue for enforcement of campaign practice violations outside of Lewis and Clark County would strain the COPP's limited staff and drain the office's resources. The combined effect of these changes would severely undermine the ability of the Commissioner to enforce our campaign finance laws.

Further, SB 368 dramatically raises contribution limits. Montanans put our contribution limits in place through a citizens' initiative passed in 1994. In 2012, Montanans voted by a 75 percent margin in favor of I-166. That initiative delivered clear instructions to Montana's leaders to fight against the ever-increasing amount of money in politics. Montana's contribution limits reflect the will of the people and we should respect the people's will.

Due to the Montana Disclose Act and the significant efforts of the COPP over the course of the last two years, our 2016 elections were among the most transparent and cleanest on record. SB 368 is a palpably political effort to undo this progress.

For these reasons, I veto SB 368.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 22, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, May 22, 2017, I signed and delivered the following bills to the Secretary of State:

SB 11 - P. Connell
SB 15 - J. Cohenour
SB 24 - J. Welborn
SB 30 - D. Sands
SB 57 - M. Blasdel
SB 90 - N. Swandal
SB 95 - L. Jones
SB 111 - K. Regier
SB 127 - M. Moe
SB 140 - D. Ankney
SB 155 - M. Lang

SB 159 - M. Blasdel
SB 168 - S. Malek
SB 173 - J. Cohenour
SB 189 - K. Regier
SB 193 - D. Ankney
SB 196 - S. Fitzpatrick
SB 218 - M. Blasdel
SB 258 - N. Swandal
SB 261 - L. Jones
SB 294 - S. Fitzpatrick
SB 303 - E. Buttrey
SB 311 - E. Buttrey
SB 312 - J. Welborn
SB 314 - C. Vincent
SB 335 - G. Vance
SB 341 - A. Olszewski
SB 342 - C. Vincent
SB 359 - M. Blasdel
SB 372 - F. Moore
SB 374 - D. Ankney

I have vetoed **SB 143** - M. Lang, **SB 177** - R. Webb, **SB 276** - R. Webb, **SB 295** - J. Fielder, and **SB 362** - E. Buttrey. These bills and veto messages have been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 22, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 143** (SB 143), "AN ACT REVISING PROVISIONS RELATED TO RETIREES RETURNING TO WORK UNDER THE TEACHERS' RETIREMENT

SYSTEM; REVISING THE CRITERIA TO BE MET FOR A RETIREE TO RETURN TO EMPLOYMENT IN SPECIAL CIRCUMSTANCES WITHOUT LOSS OF RETIREMENT BENEFITS; LIMITING THE TYPES OF EMPLOYERS THAT MAY USE THE RETURN TO WORK PROVISIONS; AMENDING SECTION 19-20-732, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

SB 143 would reduce the number of years of creditable service necessary under which a retired member of the Teachers Retirement System (TRS) could return work under § 19-20-732, MCA, from 30 years to 27 years for anyone who is retired on or before July 1, 2017, without any earnings limitation and with no reduction to their monthly retirement benefit. Effectively, this allows those returning to "double dip."

Current law allows a TRS retired member with 30 or more years of service credit to be re-employed as a teacher, specialist, or administrator on a full-time basis by a school district without the loss or interruption of their TRS retirement benefits in limited circumstances when a school district is unable to fill a vacant position. A retired member hired under this provision is exempt from the one-third earnings and part-time employment limits under § 19-20-731, MCA as well as the 150 calendar day break-in-service requirement under § 19-20-734, MCA.

Schools across Montana, particularly in our more rural communities, are struggling to recruit and retain teachers, and it is important to acknowledge and do what we can to address this critical issue. In fact, educator recruitment and retention has been the subject of initiatives from the Board of Regents, the Board of Public Education, and education associations representing teachers, administrators, and school boards. Several bills that I signed earlier this year provide meaningful policy solutions to this challenge including Senate Bill 115, which incentivizes recruitment and retention of National Board Certified teachers in rural areas and House Bill 119, which revises the quality educator loan assistance program to prioritize educators teaching in geographically isolated areas.

However, SB 143 does little to improve the recruiting efforts of these districts, with the significant consequence of putting the solvency of TRS at risk. The proponents argued that the employer contributions required on the wages paid to working retirees under § 19-20-732, MCA, are sufficient to cover the cost to the system. In reality, in the eight years since this law took effect, TRS has received approximately $250,000 in employer contributions for retirees working under this provision while paying them more than $940,000 in retirement benefits. SB 143 would add to the imbalance in TRS contributions versus benefit payments while doing little to address our school districts' recruiting issues.

For these reasons, I veto SB 143.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 22, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 177** (SB 177), "AN ACT PROVIDING THAT SELF-GOVERNING LOCAL GOVERNMENTS ARE SUBJECT TO THE PROVISIONS OF CERTAIN LAWS GOVERNING LANDLORDS AND TENANTS; INCLUDING THE LANDLORD AND TENANT ACT AND LAWS GOVERNING RESIDENTIAL TENANTS' SECURITY DEPOSITS AND RENTAL AGREEMENTS AMONG THE PROVISIONS ON WHICH A SELF-GOVERNING LOCAL GOVERNMENT IS PROHIBITED FROM ACTING OTHER THAN AS PROVIDED; AND AMENDING SECTION 7-1-114, MCA."

SB 177 is one of more than a dozen bills that were introduced this session seeking to overhaul landlord-tenant laws in Montana. If enacted, these bills would significantly alter the Residential Landlord and Tenant Act that has been in place since 1977. If there are problems with the state of landlord-tenant law in Montana, I would encourage the legislature to engage in a balanced, independent and thoughtful study of the issue rather than the haphazard approach of the slate of bills introduced this session. While I believe some bills introduced this session are appropriately balanced and reasonable, others are not.

SB 177 requires that local governments with self-governing powers be subject to the Residential Landlord and Tenant Act, the Residential Tenants' Security Deposits Act, and the Residential Mobile Home Lot Rental Act. The purpose of the bill, according to the sponsor, is to get assistance from the local police or sheriff for landlord-tenant problems.

I fundamentally disagree with the premise of SB 177 that landlord-tenant dispute should be settled using the police, rather than through the civil court system. Existing law designates the courts as the proper forum in which to settle landlord-tenant disputes. Attempting to turn civil matters into criminal enforcement matters is contrary to the spirit and written language of these statutes. No evidence was presented during the hearings on this bill that the court system does not fairly balance the interests of both landlord and tenant.

Further, this bill rises substantial concerns with regard to unintended consequences. There is a difference between enabling local governments to enforce landlord-tenant laws, and generally

subjecting local governments themselves to landlord-tenant laws. This bill does the latter, which will not assist with the former.

For these reasons, I veto SB 177.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 22, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 276** (SB 276), "AN ACT REVISING LAWS RELATED TO RETALIATION CONCERNING LANDLORDS AND TENANTS; AND AMENDING SECTIONS 70-24-411 AND 70-24-431, MCA."

SB 276 is one of more than a dozen bills that were introduced this session seeking to overhaul landlord-tenant laws in Montana. If enacted, these bills would significantly alter the Residential Landlord and Tenant Act that has been in place since 1977. If there are problems with the state of landlord-tenant law in Montana, I would encourage the legislature to engage in a balanced, independent and thoughtful study of the issue rather than the haphazard approach of the slate of bills introduced this session. While I believe some bills introduced this session are appropriately balanced and reasonable, others are not.

SB 276 entirely restructures the Montana code provisions concerning retaliatory conduct by landlords. Existing law prohibits retaliation by a landlord against a tenant if the tenant: (1) complains of a violation affecting health and safety to a government agency; (2) complains of a violation of 70-24-303 (landlord to maintain premises); or (3) organizes or joins a tenants union. "Retaliation" is defined as increasing rent, decreasing services or bringing an action--or threatening to bring an action--for possession of the premises.

SB 276 rewrites existing law. If the bill were to become law:

! A tenant complaint to a government agency of a problem with a dwelling would have to result in a finding by the agency, within 6 months of the complaint, that a violation did in fact occur, or the landlord could retaliate against the tenant;
! The rebuttable presumption in existing law that a landlord's conduct was done in retaliation if the alleged retaliation took place within 6 months of the tenant's complaint would be eliminated; and
! A landlord could bring an action against a tenant and recover civil penalties against the tenant for making a complaint in "bad faith."

As rewritten, a tenant is likely to end up in litigation with their landlord if they dare complain to a government agency of poor conditions in a dwelling unit. The purpose of these proposed changes to the law is clearly to intimidate tenants into silence rather than promote the resolution of problems.

For these reasons, I veto SB 276.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 22, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 295** (SB 295), "AN ACT PROVIDING FOR FEDERALISM TRAINING FOR LEGISLATIVE BRANCH EMPLOYEES; AND PROVIDING THAT CERTAIN LEGISLATIVE BRANCH EMPLOYEES ARE REQUIRED TO COMPLETE FEDERALISM TRAINING."

SB 295 requires certain employees of the Legislative Services Division (LSD) to take a seminar on the "principles of federalism" at least once in every 2-year period. The seminar must include a minimum of 4 hours of instruction in a variety of topic areas. While I do not object to training in the principles of federalism, this bill has three fundamental flaws that require a veto.

First, the bill is silent on the mechanics of insuring the required training takes place. Extensive trainings of this kind need to be organized and cost money. The bill contains no guidance as to who should provide these trainings; what would constitute an acceptable training; and, of course, who pays for these trainings. No money has been appropriated to implement the bill.

Second, SB 295 goes beyond mere training on the principles of federalism--it requires that the training be conducted pursuant to a particular ideological approach. The stated purpose of the bill is to "enhance certain state employees' ability to identify, prevent, or aid in repealing federal encroachments into state jurisdiction..." The LSD is a nonpartisan division of government that provides legal advice and services to the state legislature. The LSD's role with regard to providing legal advice in an area like "federalism" is to provide accurate and impartial information regarding the status of the law. It is the role of the legislature itself and the executive--not the LSD--to debate and decide when the federal government is encroaching upon our state's authority and prerogatives.

Finally, no real need was demonstrated for this bill. The LSD has long provided highly professional and essential support to the legislature. I have no doubt that the legal staff of the LSD knows the law of federalism, and can help impart that knowledge to other staff if deemed necessary.

For these reasons, I veto SB 295.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 22, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 362** (SB 362), "AN ACT REQUIRING TRANSPARENCY IN PRICING OF HEALTH CARE SERVICES; REQUIRING COST DISCLOSURES BY HEALTH CARE PROVIDERS AND HEALTH INSURERS; REQUIRING

HEALTH INSURERS TO OFFER TRANSPARENCY TOOLS FOR HEALTH CARE CONSUMERS; REQUIRING PUBLIC EMPLOYEE GROUP BENEFIT PLANS TO COMPLY WITH TRANSPARENCY REQUIREMENTS; PROVIDING PENALTIES; PROVIDING DEFINITIONS; AMENDING SECTIONS 2-18-702, 2-18-811, 20-25-1303, 33-22-101, 33-28-207, 33-35-306, 45-5-214, 50-4-504, 50-4-512, AND 50-4-518, MCA; AND PROVIDING EFFECTIVE DATES."

SB 362 is one of a handful of bills that were introduced this session seeking to overhaul health care payment methodology in Montana. I appreciate the legislature's work to control costs and improve quality for consumers. This bill was amended several times. Unfortunately, in its current form it does not advance Montanans' ability to make healthcare decisions in a cost-effective manner. It would require health plans to develop new technology and pass the costs on to patients, even though peer-reviewed medical and scientific studies show that online pricing tools are not used, and when they are, drive costs up. Absent data on quality, price is used as a proxy and people choose the more expensive service in hopes of getting the best treatment.

This legislature has passed HJ 20 which will provide for a study of the drivers of health care costs and look closely at health care payment and delivery reforms aimed at reducing healthcare costs that are grounded in evidence. I encourage the legislature to engage in a more thoughtful study, since the pace of the session can limit thorough consideration of such complex issues. I have directed my staff and Cabinet to help in this effort.

For these reasons, I veto SB 362.

Sincerely,

STEVE BULLOCK
Governor

cc: Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House

May 25, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59620

Dear President Sales:

On Thursday, May 25, 2017, I signed and delivered the following bills to the Secretary of State:

SB 94 - K. Regier
SB 233 - M. Caferro
SB 366 - J. Cohenour

I have vetoed **SB 174** - R. Webb, **SB 235** - T. Richmond, **SB 248** - M. Blasdel, **SB 337** - D. Ankney, and **SB 340** - C. Smith. These bills and veto messages have been delivered to the Secretary of State.

Sincerely,

STEVE BULLOCK
Governor

May 25, 2017

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I do hereby **veto Senate Bill 235** (SB 235), "AN ACT ALLOWING THE LAND BOARD TO EXTEND A COAL LEASE IF THE EXTENSION IS IN THE BEST INTEREST OF THE STATE; AMENDING SECTION 77-3-314, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 235 gives the state Land Board the power and discretion to extend a coal lease if it finds that the extension is in the "best interests" of the state. Under current law, a state coal lease that is not producing coal in commercial quantities prior to the end of the lease term must be terminated. The requirement is in place to ensure state lands are not indefinitely tied up in speculative leases.

SB 235 would take away that clarity and could allow the Land Board to continue a lease forever, regardless of whether coal is ever developed. Restricting state lands under semi-permanent lease, without any clarity as to whether coal will actually be developed, keeps nearby landowners--including the Northern Cheyenne Nation--in a state of perpetual uncertainty. Decisions about buying, selling, or improving land depend in part on the status of adjacent state lands. Speculative leases of the type proposed in SB 235 could undermine southeastern Montana's agricultural economy.

If, near the end of the term of a lease, a lessee wishes to simply extend the current lease, the Land Board already has a process in place for the lessee to bid and continue leasing the state coal when the current lease expires. If a lessee is operating under a valid permit and producing coal, the state must continue their lease. If the lessee does not have a valid permit and the lease expires, then the Land Board has the power already to award another lease through a competitive bid process. This process already has protected the trusts' interests and will continue to do so in the future, without the need for SB 235.

Moreover, to the extent this bill is particularly focused upon the Otter Creek Coal tracts, the State lease of those lands does not expire until 2022. Two additional legislative sessions remain prior to that lease expiration to continue these discussions.

For these reasons, I veto SB 235.

Sincerely,

STEVE BULLOCK
Governor

LETTERS REGARDING POLL OF LEGISLATORS
FOLLOWING SESSION ADJOURNMENT
Article VI, Section 10, Montana Constitution
Title 5, Section 4, Part 3, Montana Code Annotated

Letters from Corey Stapleton, Secretary of State, to Governor Steve Bullock and Susan Byorth-Fox, Director, Legislative Services Division, stating the Secretary of State had determined the following bills were not approved by two-thirds and would not be polled:

May 12, 2017	**SB 93, SB 99, SB 117, SB 154, SB 184, SB 270, SB 282, SB 329, SB 345**
May 17, 2017	**SB 116, SB 175, SB 176**
May 26, 2017	**SB 143, SB 177, SB 276, SB 295, SB 368**
May 31, 2017	**SB 174, SB 248, SB 337, SB 340**

Letters from Corey Stapleton, Secretary of State, to Governor Steve Bullock and Susan Byorth-Fox, Director, Legislative Services Division, stating the Secretary of State had determined the following bills were approved by a vote of at least two-thirds and a mail ballot vote would be conducted:

SENATE JOURNAL
ADDENDUM
65TH LEGISLATURE

May 15, 2017	**SB 126, SB 208**
May 26, 2017	**SB 362**
May 31, 2017	**SB 235**

Letters from Corey Stapleton, Secretary of State, to Governor Steve Bullock and Susan Byorth-Fox, Director, Legislative Services Division, stating the Secretary of State had conducted a poll of the members of the legislature and the Governor's veto was not overridden. Results are:

June 13, 2017	SB 126	FOR Override: House 50, Senate 22 AGAINST Override: House 30, Senate 16
June 15, 2017	SB 208	FOR Override: House 53, Senate 26 AGAINST Override: House 31, Senate 14
June 27, 2017	SB 362	FOR Override: House 41, Senate 26 AGAINST Override: House 28, Senate 13
July 5, 2017	SB 235	FOR Override: House 42, Senate 27 AGAINST Override: House 25, Senate 16